

LICENSING SUB-COMMITTEE

17 February 2025

LICENSING ACT 2003

Application by Bygrave Parish Council for the review of a premises licence in respect of Bygrave Plantation, Land Adjacent to 1 Caldecote Road, Newnham, SG7 5JZ

REPORT OF THE LICENSING AND COMMUNITY SAFETY MANAGER

1. BACKGROUND

- 1.1 The existing premises licence was granted by the licensing authority on 28 April 2017
- 1.2 The current premises licence, conditions and plan are attached as **Appendix A**.

2. REVIEW APPLICATION

- 2.1 This application is for a review of a premises licence following a request from an Other Person under Section 51 of the Licensing Act 2003 ("the Act").
- 2.2 An application from Bygrave Parish Council (BPC) for a review was received on the 17 December 2024 and is attached as **Appendix B**. This application was accompanied by supporting information attached as **Appendix C**.
- 2.3 Multiple representations were received regarding the premises covering all four licensing objectives:
 - The prevention of public nuisance
 - Public safety
 - The prevention of crime and disorder
 - The Protection of Children from harm.
- 2.4 As required by the Act, on the 23 December 2024 the licensing authority displayed notices of the review at the premises in accordance with the prescribed regulations. The application was also published on the Council's website on the Licensing Register.

3. CONSULTATION PROCESS

- 3.1 On 17 December 2024, the licensing authority received an application for a review of the premises licence from an Other Person, namely Bygrave Parish Council.
- 3.2 As the application was served electronically, the licensing authority served notice of the application to the premises licence holder and the responsible authorities.
- 3.3 Public notices were displayed on the premises for a period of twenty-eight (28) consecutive days between 23 December 2024 and 20 January 2025 in accordance with the requirements of the Act. Officers visited the premises periodically to ensure that the

notices were continually displayed.

3.4 A newspaper advertisement is not required by the Act for an application for a review.

4. REPRESENTATIONS

4.1 No formal representations were received from any responsible authority.

4.2 Despite not making a formal representation either in support of or against the application, Hertfordshire Constabulary submitted some comments that may assist the sub-committee in understanding the police's position. These comments are attached as **Appendix D**. It is for the sub-committee to determine what weight, if any, to attach to these comments.

4.3 Thirty-two (32) representations were received from Other Persons supporting the review application and are attached as **Appendix E**.

4.4 Thirty-seven (37) representations were received from Other Persons opposing the review application and are attached as **Appendix F**.

4.5 A further (20) representations were received, however these were deemed not relevant as the Other Persons failed to supply a home address. The absence of an address fails to give the licence holder the opportunity to reasonably address the concerns raised. Equally, it would be difficult for the sub-committee to apportion weight without knowing where the Other Persons lived in relation to the premises.

4.6 The Council's Scheme of Delegation requires the licensing officer to determine whether a representation is relevant as specified within the Act.

4.7 Where representations include comments that are not relevant to the Act, these comments have been clearly redacted 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.**

4.8 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.

4.9 The premises licence holder has been served with a copy of all representations by way of this report.

4.10 The applicant for the review, the premises licence holder, 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.

4.11 This report and all appendices have been published on the Council's website and all hearing invitations required to satisfy paragraph 4.10 above have included a link to the relevant web page.

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) to take no action;
 - ii) to modify the conditions of the premises licence (modify includes adding new conditions, altering or omitting existing conditions, removing live and recorded music deregulation, or altering permitted timings of licensable activities);
 - iii) to exclude a licensable activity from the premises licence;
 - iv) to remove the designated premises supervisor from the premises licence;
 - v) to suspend the premises licence for a period not exceeding three months; or
 - vi) to revoke the premises licence.

- 5.4 National Guidance Section 11.20 states:

"In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review."

6. LICENSING POLICY CONSIDERATIONS

- 6.1 The following paragraphs from the Council's Statement of Licensing Policy 2021 – 2026 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 licensed venues and community and cultural activities within a safe and enjoyable environment, in both the daytime and night-time economy."

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.

B10

The Council is aware that those living in the rural communities of the district often do so to enjoy

the quiet of a rural location. **In making a balanced decision, the Council accepts that the level of disturbance that is reasonable in a rural location will be less than in a town centre location.** This could be addressed by reduced licensable activity timings, particularly in the evenings and early mornings, and the frequency of activities. **Whilst a 1-off event may cause some reasonable disturbance, it would be more tolerable than an event lasting multiple days or occurring numerous times throughout the year.** That said, rural public houses and community buildings are often a key part of village life and should not be precluded from being able to offer appropriate activities for the benefit of the rural location.

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.

D2.8

The Council recognises that the exercise of its licensing function is only one of a number of means of securing the promotion of the licensing objectives. **The exercise, by the Council, of its licensing function should not be seen as a panacea for all problems within the community.** The Council will encourage co-operation between its licensing function, planning function and environmental health functions to ensure that any problems are addressed using the most appropriate means and that its licensing function does not duplicate any other statutory responsibilities.

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.

D11.1

Any responsible authority or other person has the right to ask the Council for a review of a premises licence or club premises certificate, using a Government prescribed application form, if they believe that one or more of the four licensing objectives are not being met. At a review hearing, the options available to the licensing sub-committee are:

- (i) *to take no action;*
- (ii) *to modify the conditions of the licence;*
- (iii) *to exclude one or more licensable activities from the scope of the licence;*
- (iv) *to remove the designated premises supervisor;*
- (v) *to suspend the licence for a period not exceeding three months; or*

(vi) to revoke the licence

D11.9

NHDC's Environmental Protection & Housing Team, the designated responsible authority leading on public nuisance, may request a review in order to address the licensing objective of prevention of public nuisance when other control measures are unsuccessful or inappropriate, or in situations where a premises is continually causing issues, for example following the serving of a noise abatement notice.

D14.1

Whilst the Council acknowledges that protection of the environment is not a licensing objective **therefore not a relevant consideration in the decision-making process**, it has declared a climate emergency and expects applicants to make every effort to protect the environment.

E1.2.3

The Council expects responsible licence holders at premises where problems with controlled substances exist, or where there is a high risk of such issues, to have a written controlled substance policy with appropriate training given to all employees.

E2.1

The Council recognises that the public safety objective is concerned with the physical safety of the people using the relevant premises and not with public health, which is dealt with in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning.

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.

E3.1.2

Despite the wide interpretation of public nuisance, the Council does not consider this objective to apply to matters where there is other suitable legislative provision for example, but not limited to:

- **welfare of animals**
- **conservation areas**
- **flora and fauna**

E3.8.1

Measures to prevent a public nuisance may include:

- entering into a waste contract agreement (including appropriate recycling provision);
- 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.

E3.8.3

Whilst accepting that littering beyond the control of a licence holder cannot be controlled by licence conditions, litter constituting a public nuisance under the Licensing Act 2003 may still require the licensing authority to restrict opening times or ultimately suspend or revoke a licence where the nuisance directly attributable to that premises cannot be appropriately mitigated.

E3.9.1

The Council is fully aware of the nuisance that can be caused by poorly managed or inappropriately located premises, however, will seek to strike an appropriate balance with its vision of promoting a diverse and vibrant daytime and night-time economy.

E3.9.3

Should disturbance from licensed premises become unreasonable, **any review proceedings will seek to impose suitable control measures in the first instance**. Should control measures prove ineffective or are deemed inappropriate then the restriction of licensable activity timings, removal of licensable activities, suspension or revocation of the licence will be seriously considered.

E4.1

The Council recognises that the protection of children from harm objective relates primarily to children accessing or using licensed premises, or being exposed to activities taking place without having to access the premises (for example, underage alcohol sales, exposure to performances or advertising of an adult nature whether within or outside a premises).

F2.1

There are many references throughout this policy to the term 'appropriate'. The Act states at section 18(3)(b) that when relevant representations are received the licensing sub-committee has to consider what steps "it considers appropriate for the promotion of the licensing objectives".

F2.2

There is no current legal definition of the term appropriate, however the Guidance states:

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. Whilst 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.

F2.3

The Council anticipates that, in due course, case law will provide clarity on the meaning of 'appropriate'. Until such time that the courts make a judgement the Council will give 'appropriate'

its ordinary meaning as expanded on by paragraphs 9.39 and 9.40 of the Guidance, subject to the over-arching requirement that determinations should be reasonable and proportionate.

F2.4

Case law has defined 'proportionate' as generally requiring a four-step test, namely:

- *there must be a legitimate aim for a measure;*
- *the measure must be suitable to achieve the aim;*
- *the measure must be necessary to achieve the aim (that there cannot be any less onerous way of achieving it); and*
- *the measure must be reasonable, considering competing interests.*

The Council is aware that their determinations must be proportionate to the evidence received in respect of an application and will have regard to this definition. F2.5 The Council acknowledges that proportionality is a key factor in assisting with the definition of 'appropriate'.

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.

F4.3

Notwithstanding the above, it is the responsibility of the applicants to ensure that they have all necessary consents, whether statutory or otherwise, and it should not be assumed that an authorisation under the Licensing Act 2003 removes this responsibility.

F4.4

The decision of one statutory authority (for example, the licensing authority or the planning authority) is no indication of the likely decision of the other. Indeed, statutory authorities may make representations to each other under each authority's legislation.

F5.1

Planning and licensing are two entirely separate processes and neither authority is bound by a decision of the other. *Planning is predominately a decision about what the premises can be used for in relation to local amenity, whilst licensing is predominately a decision about what activities can be provided and how that premises is managed.*

F5.5

The planning authority is a responsible authority under the Act and can make representations on applications, however it can only make representations in respect of the licensing objectives. Nuisance and crime and disorder are shared concerns of both regimes and may attract representations under both processes. Concerns that relate to the character of an area and local amenity but fall short of being a public nuisance are outside the scope of the licensing objectives and are matters solely for the planning authority.

F5.6

The absence of lawful planning use is not a matter for the licensing function. *Although the planning status may be brought to the attention of officers and the licensing sub-committee, the absence of lawful planning use is a matter for the planning authority.*

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.

Examples of behaviour falling within this paragraph include, but are not limited to:

- noise associated with customers once they have left the premises*
- anti-social behaviour of customers such as unlawful parking, criminal damage, intimidatory behaviour, or any alcohol-related criminality*

G2.1

Occasional and/or large scale events can be authorised by a one-off, a time-specific, or a permanent licence/certificate. Applicants are encouraged to seek advice on the most appropriate type of application from the Council's licensing team.

G2.2

These events have significant potential to considerably undermine the promotion of the licensing objectives, due to their sheer size, complexity and the potential implications for the planning of a safe event. The Council strongly believes that this risk can only be adequately mitigated by the early submission of an up to date and detailed operating schedule that is specific to the proposed event on each separate occasion.

G2.3

The Council acknowledges that it is inherent in the Act that responsible authorities and other persons should be given the opportunity to make representations related to the nature of the individual event which is planned. The potential for adverse effects on the promotion of the licensing objectives can vary significantly between events, even when similar events are held on a regular basis. In order to support the promotion of the licensing objectives, the Council believes that responsible authorities have a role in ensuring the safety of every large-scale event, in particular when annual or multiple events are held under a single permanent premises licence.

G2.4

Additionally, the Council's Enforcement Policy may be less effective because of the short duration and occasional nature of these events. The Council's incremental and proportionate response to problems arising may not be as effective in resolving issues on an occasional and irregular basis, particularly with changing event personnel. This paragraph should not be construed as meaning that the Enforcement Policy does not apply, or will not be applied, to large scale events.

G2.5

Whilst the Council acknowledges the applicant's right to submit a one-off or time specific licence/certificate application, it encourages applicants to submit an application for a permanent licence/certificate. This provides the applicant with the flexibility of a licence that would allow the submission of an up to date and detailed operating schedule on each occasion the event is to be held, but safeguards the rights of responsible authorities and other persons to hold the licence/certificate holder to account by way of an application for a review.

G5.1

In addition to encouraging applicants for occasional/annual events to apply for a permanent premises licence, the Council actively encourages applicants to build flexibility into their operating schedules. This allows for the event to evolve and incorporate best practice without undo restrictions on the management of the event and the site layout.

G5.2

The Council recommends an operating schedule that contains basic management control conditions that would apply from event to event but with the majority of event management details to be incorporated into an Event Management Plan (EMP). One of the basic management control conditions can then link the final EMP to the operating schedule making it an enforceable operating schedule condition.

G5.3

The content of the EMP can be defined by an operating schedule condition, ordinarily under generic headings, with any specific requirement of a responsible authority included as subheadings. Varying timescales for each responsible authority and the provision of specified information can be incorporated within the EMP ensuring flexibility for the licence holder to develop the event and react to evolving issues such as ground/weather conditions or the availability of products/service providers.

G5.4

The Council encourages an applicant to include an operating schedule condition stating required timescales for the issue of a draft EMP and the final EMP, ideally a specified number of days prior to the commencement of event build-up on site or the opening of the event to the public. This condition should also include any consequence of the failure to meet this requirement, for example, certain licensable activities are not permitted until compliance has been achieved or the event will not be permitted without the express approval of the licensing authority.

G5.5

This type of EMP operating schedule condition (in effect a 'promise to provide' licence) allows the applicant flexibility to amend the details and layout for each event without the need to vary the premises licence whilst maintaining suitable control measures for the responsible authorities and the Council to ensure the promotion of the licensing objectives. As the EMP would be attached as a licence condition, failure to comply with its content would render the licence holder liable for operating otherwise than under an authorisation (section 136 of the Act).

G5.6

The Council has encouraged this type of event premises licence for a number of years leading to successful annual events at venues such as Knebworth Park and recommends applicants to enter into pre-application discussions at the earliest opportunity to explore the suitability of this option.

G6.6.1

Large numbers of event attendees give rise to pressures on local transport networks, particularly main and local roads, railway stations and taxi provision. The Council expects applicants to liaise with local transport providers, having assessed their target audience profile, and address any transport concerns within the operating schedule or EMP.

G6.6.2

For events that will have a significant impact on the local road/railway network, applicants should give serious consideration to including a Transport Management Plan (TMP) as part of their operating schedule or EMP. Where appropriate for the promotion of the licensing objectives, the Council may consider imposing a condition requiring a TMP to be agreed with the police in advance of the event.

G6.6.3

Where large numbers are expected to use local transport venues, such as railway stations, the Council considers these venues as areas that are causally linked to the event and within the licence holder's control. Where appropriate for the promotion of the licensing objectives, the

Council may consider imposing conditions in relation to the provision of security at local transport venues to control event patrons.

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 capacities, queuing and safe dispersal from the locality;*
- (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.*

G8.2.1

Large scale outdoor events have significant potential to impact adversely on communities through public nuisance that may arise from their operation, in particular in relation to noise from live or recorded music. The Council expects applicants to seek early engagement with NHDC's Environmental Protection & Housing Team when preparing an operating schedule.

G8.2.2

Where the applicant's operating schedule does not fully address concerns in relation to the prevention of public nuisance objective, NHDC's Environmental Protection & Housing Team will initially request the applicant to volunteer additional conditions to avoid the need for a representation. Example conditions specific to large scale outdoor events are included in the attached appendix of model conditions to assist applicants with the wording of suitable conditions. The applicant is under no obligation to agree to the suggested conditions if they believe they are not appropriate or proportionate to the application. If the applicant does not wish to volunteer the suggested conditions then a representation is likely and the matter will be referred to a licensing sub-committee for determination.

G8.3.1

This may include noise from live or recorded music, human voices (both amplified and unamplified) and other forms of entertainment (i.e. playing of films). Measures to prevent a public nuisance may include:

- restrictions on the number of days that entertainment is held during an event;*
- restrictions on the timings and types of entertainment, including sound propagation testing and pre-event sound checks;*
- limiting the overall front of house sound levels including, where appropriate, limiting specific frequencies;*
- suitably located and orientated stages to minimise the potential for noise nuisance;*
- limiting the number of stages and/or sound sources that can be used for the provision of entertainment at any one time;*
- use of noise control measures, for example directional sound systems, noise limiting devices and acoustic barriers or enclosures;*
- employing a competent noise consultant to plan and implement noise control measures before and during the event.*

G8.3.2

The Council is aware that the potential for noise nuisance must be proportionately balanced against the benefits to the community and each application must be determined on its individual merits. That said, the Council will give additional weight to concerns where an event has the potential to affect a large number of the public (for example, multiple communities such as neighbouring towns and/or villages).

G8.7.1

The Council believes that an applicant's responsibility for litter directly associated with an event is not confined to the event site itself. Where an event has a clearly identifiable pedestrian access (for example, a direct route between the event site and a railway station) or utilises an identifiable transport venue (for example, a railway station or car parking site), the Council expects the applicant to identify in the operating schedule or EMP what measures they will use to ensure the prevention of public nuisance for those routes and/or venues.

G8.7.2

Measures to prevent a public nuisance may include:

- *entering into waste contract agreements with appropriate recycling provision;*
- *provision of litter bins adequate for the size and nature of the event;*
- *provision of rubbish bags for non-day ticket holders (i.e. campers);*
- *regular litter picks in the identified vicinity, on access routes and on associated transport venues*

G8.8.2

A NMP gives maximum flexibility for an applicant to adapt the measures required for managing any potential noise nuisance from an event by reacting to amended site plans, differing artist profiles, weather conditions, etc.. It removes the need for inflexible fixed noise levels on a premises licence and allows the applicant to work with environmental protection officers to ensure the most appropriate controls are applied proportionately for each event.

G11.1

*North Hertfordshire contains many conservation areas and has diverse flora and fauna, particularly in its rural areas. Whilst the Council wishes to protect flora and fauna, **it is not a matter to be considered as part of the licensing process.***

G11.2

*The Wildlife and Countryside Act 1981 ("the 1981 Act") is the primary legislation that protects flora, fauna and habitats and the Licensing Act 2003 **should not seek to replicate existing legislative provisions.***

G11.3

The applicant/licence holder has a duty to comply with the requirements of the 1981 Act in addition to any licence granted under the Licensing Act 2003.

H2.1

Whilst the Council accepts that NH SAG has no statutory role within the licensing regime and the responsibility for organising and managing a safe event lies with the event organiser, it strongly believes that NH SAG can provide invaluable experience and advice to applicants.

H2.2

This policy encourages early discussions between applicants and the responsible authorities prior to the submission of an application and the NH SAG offers applicants access to a wide range of experience and knowledge. This facility is of particular assistance to applicants where an EMP is

required as a licence condition. **NH SAG can meet regularly with the applicant to review an EMP throughout its development, offering further advice and support where appropriate.**

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.

O2.2

Any licence/certificate is issued without prejudice to any other consent, licence, approval or other authorisation required by other functions or responsibilities of the Council or any other statutory body. The possession of a licence/certificate under the Act does not supersede or replace any other statutory provision.

O3.2

Affected persons may choose to be represented at a licensing hearing by their local councillor who can speak on their behalf, providing the affected person has made a representation. Equally, a local councillor can make a representation on behalf of the community that they represent.

O3.4

Any representation from a local councillor, whether in his/her own right or on behalf of the community, will be considered and apportioned weight in exactly the same way as any other representation. Additional weight will not be given for the sole reason of being a local councillor or a member of the licensing committee

O4.2.5

Representations that do not contain a genuine name and postal address will not be considered as relevant representations by the Council.

O4.5.2

Representations, including names and addresses, are included in the reports considered by licensing sub-committees which are publicly available documents.

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 (December 2023 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 always a paramount consideration.

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.**

1.17

Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

1.19

While licence conditions should not duplicate other statutory provisions, licensing authorities and licensees should be mindful of requirements and responsibilities placed on them by other legislation. Legislation which may be relevant includes:

- The Gambling Act 2005
- The Environmental Protection Act 1990
- The Noise Act 1996
- The Clean Neighbourhoods and Environmental Act 2005
- The Regulatory Reform (Fire Safety) Order 2005
- The Health and Safety at Work etc. Act 1974
- The Equality Act 2010
- The Immigration Act 2016
- Regulators' Code under the Legislative and Regulatory Reform Act 2006

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).

2.9

A number of matters should be considered in relation to public safety. These may include:

- *Fire safety;*
- *Ensuring appropriate access for emergency services such as ambulances;*
- *Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts*
- *Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;*
- ***Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);***
- *Ensuring appropriate and frequent waste disposal, particularly of glass bottles;*
- *Ensuring appropriate limits on the maximum capacity of the premises; and*
- *Considering the use of CCTV in and around the premises*

2.16

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*

2.21

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.

2.22

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.

2.23

Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.24

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.

2.25

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.

2.26

Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

2.27

Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

2.28

The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.

8.13

As well as responsible authorities, any other person can play a role in a number of licensing processes under the 2003 Act. This includes any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographic proximity to the premises. In addition, these persons may themselves seek a review of a premises licence. Any representations made by these persons must be 'relevant', in that the representation relates to one or more of the licensing objectives. It must also not be considered by the licensing authority to be frivolous or vexatious. In the case of applications for reviews, there is an additional requirement that the grounds for the review should not be considered by the licensing authority to be repetitious.

8.14

While any of these persons may act in their own right, they may also request that a representative makes the representation to the licensing authority on their behalf. A representative may include a legal representative, a friend, a Member of Parliament, a Member of the Welsh Government, or a local ward or parish councillor who can all act in such a capacity.

9.12

Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, 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 usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent. However, it remains incumbent on all responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

9.30

The licensing authority may also decide to withhold some or all of the person's personal details from the applicant, giving only minimal details (such as street name or general location within a street). However, withholding such details should only be considered where the circumstances justify such action.

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.***

10.8

The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. In order to promote the crime prevention licensing objective conditions may be included that are aimed at preventing illegal working in licensed premises. This provision also applies to minor variations.

10.9

It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives.

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.

Conditions that are considered appropriate for the prevention of illegal working in premises licensed to sell alcohol or late night refreshment might include requiring a premises licence holder to undertake right to work

*checks on all staff employed at the licensed premises or requiring that evidence of a right to work check, either physical or digital (e.g. copy of any document checked or a clear copy of the online right to work check) is retained at the licensed premises. Licensing authorities may also wish to consider placing additional conditions on licences to safeguard patrons against spiking, if deemed appropriate and proportionate for a specific venue where there is evidence to justify such action (a definition of spiking can be found in para 2.7). 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.***

10.18

Licensing authorities should publicise the need for the organisers of major festivals and carnivals to approach them at the earliest opportunity to discuss arrangements for licensing activities falling under the 2003 Act. For some events, the organisers may seek a single premises licence to cover a wide range of activities at varied locations within the premises. This would involve the preparation of a substantial operating schedule, and licensing authorities should offer advice and assistance about its preparation.

11.10

Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.

11.17

The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard

such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.

11.19

Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;*
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);*
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;*
- suspend the licence for a period not exceeding three months;*
- revoke the licence.*

11.20

In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

11.23

*Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. **But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.***

13.10

It is important that a licensing authority gives comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal. It is particularly important that reasons should also address the extent to which the decision has been made with regard to the licensing authority's statement of policy and this Guidance. Reasons should be promulgated to all the parties of any process which might give rise to an appeal under the terms of the 2003 Act.

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.

Case law

- 8.2 As 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.
- 8.3 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.
- 8.4 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.
- 8.5 The magistrates court case of *Kouttis v London Borough of Enfield*, 9th September 2011 considered this issue.
- 8.6 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.
- 8.7 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.
- 8.8 Whilst this was a magistrates court case and not binding on other courts, the District Judge's ruling is a persuasive argument of how the higher courts could view this matter.

Evidence not to consider

- 8.9 Where officers have decided that parts of a representation are not relevant within the narrow confines of the Act, those sections have been redacted and cannot be read. These sections must not be referred to during the hearing and the sub-committee do not have the delegation to change the officer's decision on this matter.
- 8.10 The following sections explain why the main redactions have been made for transparency.

- 8.11 National Statutory Guidance makes it clear that planning and licensing are two independent regulatory regimes that consider different remits. For that reason, lack of planning permission or planning permission breaches are not a matter that can be considered as part of the determination of this application.
- 8.12 The determination of a licensing application is restricted to the narrow remit of the four licensing objectives and cannot consider anything that falls outside of these. Equally, National Statutory Guidance states that licensing sub-committees shouldn't seek to duplicate other existing statutory requirements.
- 8.13 For that reason, matters relating to flora and fauna are not relevant as they are controlled by the Countryside and Wildlife Act 1981 and the licence holder has a duty to ensure that Act is complied with.
- 8.14 Additionally, the Countryside Rights of Way Act 2000 protects rights of way such as bridleways and footpaths which the licence holder must comply with. These matters are not relevant to the determination of a licensing application. The legislation does allow for the temporary closure of rights of way under certain circumstances which the licence holder may seek to explore.
- 8.15 References were made to the Cereals event last year however this was an agricultural show not a licensed event and is not relevant to this application.

Evidence where the sub-committee have discretion on the weight they attach

- 8.16 The sub-committee should be aware of the Council's vision for licensing and seek to balance any reasonable disturbance against the benefits to the district, especially the local community.
- 8.17 Allegations have been made in respect of antisocial and criminal behaviour by persons assumed to have been attending events at the site. In the absence of these incidents being reported to the police for investigation and corroboration, the sub-committee must decide what weight to place on this evidence. It is likely that many of these allegations did happen however the lack of incident reports to the police limit the assessment of the frequency and seriousness of these incidents.
- 8.18 Allegations of noise nuisance have been made in respect of events at the site however the environmental protection officer has chosen not to make a representation as they believe the noise management plan and post event reports demonstrate that licence conditions have been complied with, including noise levels. In light of this, the sub-committee must decide how much weight to attach to the noise complaints having regard to whether they believe the noise levels amount to a reasonable or unreasonable intrusion on local residents.

New evidence

- 8.19 Other Persons must restrict their oral submissions to the relevant issues raised within their representations although they may expand on their written submission by way of examples or further linked information. They cannot raise new issues not mentioned within the written representation, for example if they have only raised issues of crime and disorder, they cannot introduce issues of public safety orally at the hearing.

Unlike the Other Persons, the premises licence holder is not restricted to advanced written representations and may raise any relevant issues orally at the hearing.

- 8.20 Any new documentation not circulated in advance of the hearing to all parties within the hearing paperwork cannot be introduced during the hearing or presented to the sub-committee without all party consent.
- 8.21 New documentation received in advance of the start of the hearing may be accepted at the discretion of the licensing manager provided:
- (i) it is circulated to all parties present prior to the start of the hearing
 - (ii) adequate time is given prior to the start of the hearing for parties to consider the documentation
 - (iv) the late admission or refused admission of the documentation does not unduly prejudice any party to the hearing

Complaints received by the licensing authority

- 8.22 Prior to the application for a licence review, the licensing authority had received two complaints regarding event noise. These were referred to the environmental protection team who requested a copy of the noise survey carried out at the time. They found that the noise level was within the agreed licence conditions for the premises.
- 8.23 The number, if any, of noise complaints received directly by the environmental protection team is not known however they have chosen not to make a representation.

Event management plan (EMP)

- 8.24 The sub-committee are reminded that the Council's Statement of Licensing Policy specifically encourages a single premises licence with event-specific EMPs as the most effective way of controlling multiple events on a site.
- 8.25 Licence conditions detail the content of the EMP which is circulated to all responsible authorities for comment, as well as the Safety Advisory Group. The licence conditions have a safety clause in them that prevents an event from proceeding if any responsible authority is not satisfied with the EMP.
- 8.26 The EMP is a live document and flexibility is allowed in specified dates for compliance to cover matters such as, but not limited to, adverse weather, changing ground conditions, infrastructure availability, etc.
- 8.27 The EMP contains business sensitive information, personal data and sensitive security information. For example, information such as site plans, exit widths, emergency routes, security deployment, and many other details would be invaluable to any person seeking to disrupt the event or undertake a terrorist attack. For this reason, the EMP is not made publicly available however a summary of non-sensitive information is supplied to the Ward Member for dissemination and reassurance.
- 8.28 Some Other Persons have suggested that there has been insufficient time on occasions for an EMP to be properly considered by the responsible authorities. The sub-committee

are reminded that any responsible authority can inform the licensing authority if they are not content with the EMP which would then prevent the event from going ahead unless the concerns can be mitigated.

Allegations of condition breaches

- 8.29 Several representations refer to allegations of condition breaches, particularly in relation to events being held with less than the notice period required on the licence.
- 8.30 The licence conditions allow for an event to proceed with less than the required notice period at the licensing authority's discretion. When the licensing authority was approached about the possibility of holding an event at short notice, the EMP was circulated to the responsible authorities with the option of using the veto (see paragraph 8.28 above). No responsible authority used their veto, and the event proceeded in accordance with the EMP supplied.

Public notification

- 8.31 Many of the representations raise the issue of public notification. Currently there is no licence condition requiring the public to be notified of events within prescribed timelines.
- 8.32 Environmental protection have a condition requiring the licence holder to advise them of public notification requirements and it is for them to decide whether the proposals are acceptable.
- 8.33 This notification process ordinarily takes place a few weeks prior to the event when the notification letter can include more specific details following the finalisation of the EMP, including a complaint telephone number for the event.

Status of Appendix D

- 8.34 Appendix D contains all responses received from responsible authorities. The responses are provided to satisfy the sub-committee that they do not wish to make representations, either because they are satisfied with the existing licence conditions, or they have no comments they wish to submit.
- 8.35 The response from Hertfordshire Constabulary is in relation to this application for a review, and a separate application to vary the existing licence. It is important to note that it is not a formal representation, it is a commentary designed to assist the sub-committee in understanding the police's position. For that reason, the sub-committee should be cautious in applying weight to its content.

Highways

- 8.36 As the Act states that conditions cannot be placed on a licence relating to matters outside the control of the licence holder, road usage is a difficult issue to consider.
- 8.37 The current licence conditions require the licence holder to produce a traffic management plan (TMP) as part of the EMP. This would then be subject to scrutiny by responsible authorities, and the police play an important role in this process liaising with their traffic management officers.

- 8.38 Whilst Hertfordshire Highways are not a responsible authority, they are consulted through the SAG process and can feed into the process via a responsible authority such as the police.
- 8.39 It is for the sub-committee to consider whether it believes the impact on the local road network is acceptable for the number of event days held at the site, having regard to the requirement for a TMP that is subject to a veto.
- 8.40 If the sub-committee believe there is an unacceptable impact on the local road network it should initially consider whether this could be mitigated through conditions, for example restricting the number of event days per annum.
- 8.41 Should licence conditions be insufficient to mitigate concerns and the sub-committee believes that the local road network is insufficient to cope with event traffic, consideration should be given to revoking the licence.

9. APPENDICES

- 9.1 Appendix A Current premises licence, conditions and plan.
- 9.2 Appendix B Bygrave Parish Council application for the review
- 9.3 Appendix C Bygrave Parish Council supporting evidence
- 9.4 Appendix D Representations from Responsible Authorities
- 9.5 Appendix E Representations from Other Persons in support of the review
- 9.6 Appendix F Representations from Other Persons opposed to the review

10. CASE OFFICER

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