
DACORUM BOROUGH COUNCIL

LICENSING OF ALCOHOL AND GAMBLING SUB-COMMITTEE

9 FEBRUARY 2015

Present –

MEMBERS:

Councillors Mrs Green (Chairman), Hearn and G Sutton

OFFICERS:

Christopher Gaunt	Litigation Solicitor/Barrister
Ross Hill	Licensing Team Leader
Sally Taylor	Lead Licensing Officer
Pat Duff	Member Support Officer

Other Persons Present:

Mr Blesson	- Applicant (Red Squirrel Brewery)
Ms J Tillotson	- Applicant (Hemel Musical and Comedy Festival Ltd)
Mr P Wright	- Applicant (Hemel Musical and Comedy Festival Ltd)
Sergeant M Saunders	- Hertfordshire Constabulary
M Ward	- Hertfordshire Constabulary Licensing Officer

The meeting began at 2.30 pm

1. INTRODUCTIONS

The Chairman introduced herself, the Councillors on the Sub-Committee and the officers present. The Chairman then asked the other persons present to introduce themselves.

2. MINUTES

The minutes of the meeting held on 11 December 2014 were agreed by the Members present and then signed by the Chairman.

3. APOLOGIES FOR ABSENCE

There were no apologies for absence.

4. DECLARATIONS OF INTERESTS

There were no declarations of interests.

5. PREMISES LICENCE APPLICATION (APPENDIX A)

The application for the grant of a new premises licence was for:

The Brewery Shop Ltd
The Brewery Shop
104 High Street
Berkhamsted
Hertfordshire
HP4 2BL

The Chairman advised the applicant that he could be represented by a legal representative.

The applicant said he would be representing himself.

The Chairman asked the Members of the Sub-Committee to confirm that they had read the agenda. Councillors Hearn and G Sutton confirmed they had read the documents at hand.

The Chairman asked officers to confirm whether there had been compliance with all relevant requirements and to summarise any relevant information.

Ross Hill said full details of the application was in the agenda and all legal requirements had been met.

The Chairman asked the applicant to make his statement.

Mr Blesson said he wished to open a second brewery shop. As stated on the application the concept was unconventional. It is a retail model which focusses on consumers and we are looking to open a premises that will stock a range of local beers, all hand crafted and focussing on British and local community goods.

We have a good track record and have been involved in the business for 23 years. The brewery is fully licensed and has been in operation for over 10 years.

We have another business in Chesham that has an impeccable record. We do not open conventional hours but retail hours. We are applying for normal licence hours but in practice the business opens on a retail format. The business model is 80% retail and we sell beer to the consumer. There is a small amount of consumption (2.5 hours) and this has been verified by parties who have examined us. We are also looking to run an educational format.

The craft beer trade has grown substantially. We will be running an educational school (beer tastings etc.) and would aim to issue credible certificates and professional qualifications.

It is a retail model with a small cross-over selling alcohol on and off the premises (80% off premise sales). We have never had issues regarding trouble as we are a craft beer operator. It is a premium product aimed at a discerning consumer. The Chesham premises has an impeccable record. We are local people and I was brought up in Hemel Hempstead. Everybody employed is from this area, we are a local employer and have been heavily involved with local charitable organisations.

We are a very credible operation and have been around for a considerable period of time and know the responsibility that comes with operating an alcohol licence.

The Chairman referred to page 18 of the agenda and asked if the licence should finish at 5.30 pm, 30 minutes before the shop closes.

Mr Blesson said that would be agreeable. The Sunday operating hours at the Chesham shop were 12.00 until 6.00 pm.

The Chairman suggested a TEN could be applied for if later opening hours were required occasionally.

Councillor Hearn asked Mr Blesson to confirm that drinking time would be 2 – 2.5 hours.

Mr Blesson said that was an example. Regarding the complaint received, he said he had emailed and tried to communicate with the complainant to resolve the issue with no success. Regarding the drinking hours, if anybody visited our Chesham premises, they would find the vast majority of people buying retail. It was generally a very small, short drinking period. Definitely not 6 – 7 hours.

Councillor Hearn said if a licence was granted, drinking could be permitted throughout those hours.

Mr Blesson said there would be events such as educational beer tastings.

Councillor Hearn referred to page 20 of the agenda and asked about the reference to not selling alcopops.

Mr Blesson said this was a new concept. It was not a pub and would not be open for pub hours. 80% of sales would be off trade. There would never be situations of prolonged drinking.

Mr Wright said the shop would not be selling branded beers.

Councillor G Sutton asked if the shop would be selling British wines or more popular wines.

Mr Blesson said he was a wine importer. All wines sold in Chesham were estate bottled wines whose average retail price was higher. English wines were more expensive. The wines sold would not be cheap wines.

Councillor G Sutton said the licence areas would be covering three floors and asked if the basement went underneath other premises.

Mr Blesson said it was a cellar and was directly underneath their premises.

Councillor G Sutton asked how many customers were anticipated at any one time.

Mr Blesson said not a large number. There were some busy times at Chesham but it would probably be less than 100.

Councillor G Sutton asked if TV and music would be provided on the premises.

Mr Blesson said there would be no juke boxes or music, but perhaps some music for the launch. There would be no TV, just good craft beer and discussion.

Councillor Hearn asked if the basement would just be used for storage.

Mr Blesson confirmed this was the case.

The Chairman referred to the applicant saying the premises would not open for pub hours and asked if the applicant would consider reducing the time of the application.

Mr Blesson said he had filed the same application that had been granted at Chesham. If the committee feels the hours should be reduced by one hour that would be agreeable. Mr Blesson said he would be happy to close at 10.00 pm.

The Chairman said that would make a difference to the committee. The licence could be until 9.30 pm with a 10.00 pm close time.

Mr Blesson said he would like to open between 12.00 and 6.00 pm on a Sunday to mirror the Chesham shop.

The Chairman said Dacorum Borough Council liked to have a half hour difference between the licence end and closing time which would be 11.00 am until 5.30 pm on a Sunday, closing at 6.00 pm.

Ross Hill said with the one hour reduction in the licence, 21.30 would be the last service of alcohol on Monday to Saturday plus 30 minutes drink up time.

The Chairman said the applicants had made offers to change the hours and asked if the Sub-Committee was happy with that.

The Sub-Committee confirmed they were happy with the amended hours.

RESOLVED

The Sub-Committee resolved to grant the application for a premises licence, subject to relevant mandatory conditions set out in national legislation, conditions consistent with measures set out in the operating schedule, and modified hours as follows:

Supply of alcohol (for consumption on and off the premises)

Monday to Friday	12.00 to 21.30 hours
Saturday	10.00 to 21.30 hours
Sunday	11.00 to 17.30 hours

Hours the premises may open to the public

Monday to Friday	12.00 to 22.00 hours
Saturday	10.00 to 22.00 hours
Sunday	11.00 to 18.00 hours

In reaching this decision, the Sub-Committee considered the written and verbal submissions from the applicant, and the written representation received from two local residents. It was also noted that the applicant had offered to mediate with the representor to try and alleviate the concerns raised in the representation.

The Sub-Committee felt that, by virtue of the nature of products to be offered and the pricing structure of the proposed business, it was unlikely that granting the licence would lead to an increase in immoderate or reckless consumption of alcohol at or from the premises.

Concerns around the proposed hours of operation were noted, and the Sub-Committee felt that bringing forward the terminal hour as above would prevent an increase in disorder or nuisance, as suggested in the representation, and was therefore an appropriate measure to take for the

promotion of the licensing objectives. It was also noted that the applicant had agreed to such modification during the hearing.

The Sub-Committee noted references (although not evidenced) within the representation to cumulative impact of licensed premises in the vicinity, but in the absence of a formal cumulative impact policy were constrained in how they could consider this.

Councillor G Sutton wished the applicant success with the venture.

6. PREMISES LICENCE APPLICATION (APPENDIX B)

The application for the grant of a new premises licence was for:

The Hemel Hempstead Music and Comedy Festival T/A FestHemel
Bulbourne Meadow
Adjacent to A4251
London Road
Hemel Hempstead

The Chairman introduced the members of the Sub-Committee.

The Chairman asked if there were any declarations of interest. There were none.

The Chairman asked the members of the Sub-Committee to confirm that they had read the agenda. Councillors Hearn and G Sutton confirmed they had read the documents at hand.

The Chairman asked officers to confirm whether there had been compliance with all relevant requirements and to summarise any relevant information.

Ross Hill said full details of the application were in the agenda and all legal requirements had been met. Additional documents had been circulated to members. An objection had been received from Hertfordshire Constabulary.

The Chairman advised the applicant that she could be represented by a legal representative.

Jane Tillotson said she would be representing herself.

The Chairman asked Mr Wright if he was connected with the event.

Mr Wright said the Brewery Shop was a stakeholder in the application and he was representing FestHemel in this case.

The Chairman asked the applicant to make his statement.

Mr Wright said he was doing this as part of a company that promotes the best of Hemel Hempstead. The idea was to bring together a community festival of music and comedy. This had been discussed at length with the Boxmoor Trust who had previously set up Music on the Moor. An event of that scale was no longer viable. We have had experience with running the ChilFest and with the Berkhamsted Festival (3,000 people with no trouble).

Advice had been taken from the Boxmoor Trust regarding the level of security they had at Music on the Moor. A risk assessment had been completed and security firms had been consulted to enable FestHemel to make its business case and budget.

We had objections from the Police. We need to understand the proportionality of security they were asking for. If we were to comply completely, it would be disproportionate with the size of the event. £10k had been budgeted for security. Boxmoor Trust spent £20k but they had 10,000 people in attendance. FestHemel would have 2,400 maximum attendance. If Police requirements were adhered to, the security bill would rise to at least £30k - £40k. This would make the event unviable.

The Chairman said this was a different event of dance and music that would attract younger people.

Sergeant Saunders asked for clarification on the application which stated 8,500 people would be attending.

Mr Wright said on the original application this was the total number of people attending over the two days. This has since been amended and the total attendance would be 6,500, which would include 600 staff. The total attendance anticipated would be 4,700. At no point have we said in our application that there would be 8,500 people at any one time. The maximum amount would be 4,700, 1,500 on Friday and 4,200 on Saturday.

Sergeant Saunders said there was an issue of security staff and a traffic management plan. You stated you have permission to have 300 spaces at Hemel Railway Station. This would equate to 900 – 1,000 people. Where are the other 3,200 people going to park.

Mr Wright said the event would be marketed to the Hemel area and it would be made clear there would be no parking on site. It would be suggested people could walk. This had worked at ChilFest and there was the same issue in Berkhamsted.

Sergeant Saunders said there were no parking arrangements on Friday at all.

Mr Wright said he was waiting confirmation regarding this.

Sergeant Saunders referred to the number of security staff being looked at for the event and he said he had issues with the initial figure that was based on the Chilfest. It had been suggested that the security staff numbers for this festival should be based on using Chilfest as good practice and the Police figure was based on providing sufficient security to make the event safe for the public. Sergeant Saunders asked if Mr Wright had any questions about the numbers and what the numbers should be.

Mr Wright asked if the Chilfest ratio of 1 : 90 would be used.

Sergeant Saunders said there were more staff at Chilfest. The Police had looked at the placement of the security staff and the areas they were responsible for whilst the event was going on and there were similarities to this event.

Mr Wright said a control centre for event organisers would be provided. It was difficult to do a finite event plan this far out. The low ratio of 1 : 90 was the issue.

Sergeant Saunders said the ratio had started at 1 : 75.

Mr Wright said their ratio was 1 : 166. There would be 24 security staff plus at least the same number of voluntary stewards.

Sergeant Saunders said the parking area was half a mile away from the event.

Mr Wright said he had been involved with Chilfest which had 2,500 attendees with no parking. People would be encouraged to use public transport, walk or use the town centre car parks. A lot of festivals were held in town centres throughout the country. We are trying to regenerate town centres and encourage limited car use.

Sergeant Saunders said the impact on the town could be big, especially on the Friday. The main concern is insufficient staff on site to deal with any eventuality that may arise, bearing in mind the amount of violence going on at the moment. A clear plan of where the staff would be and what they would be doing was required, e.g. the entrance policy, age clarification, search policy on entrance. It is quite a small entrance on a busy road. It starts at 12.00 noon and finishes at 11.00 pm. How would the programme run throughout the day and how would you achieve getting those people into the site safely?

Mr Wright said this was not a football match, it would be a rolling entrance.

Sergeant Saunders emphasised he had no clear indication of how many people would turn up at what time. What time the bands start would be helpful. A programme outline was required.

Mr Wright said the peak time would be between 5.00 pm – 6.00 pm. By 8.00 pm people would start leaving. From experience of other festivals, there would never be full attendance. The main attraction would be the bands who would play in the evening. If CCTV was required for the whole site, this could cost £5k to install.

Sergeant Saunders said the Police had previously stated CCTV was needed on the site to control what was going on, especially as the doors were not having any permanent staff monitoring them.

Mr Wright said he would take advice from the security company and if the Police recommended anything, that would be passed on. The perimeter fence would be 700m long. In order to get the licence we would put more people on but could not lower the ratio to the required level. It was a different event to Chilfest and we recognise it needed to be a safe event. We are in the process of talking to the security companies and were doing detailed analysis before we can explain fully to the Police.

Sergeant Saunders said the provision of CCTV should be one of the conditions for the event in order for it to run smoothly and safely. The Police wanted to ensure the event would be able to go ahead safely but he was not convinced enough thought had been given to it.

The Chairman said it was an open air event. There would be marquees that would be treated as indoors and non-smoking that would have to be policed.

Mr Wright said there would be a professional first aid post.

The Chairman said she had concerns about a lot of people walking along the A41 late at night.

Councillor Hearn asked what parking facilities Chilfest had.

Sergeant Saunders said he was not sure of their parking arrangements.

Ross Hill said Chilfest takes place in a confined empty space, parking is on the rugby club pitches. There was also a full traffic management plan in place involving various road closures to the train station. This was licensed for 7,500 people each day.

Mr Wright said he did not recall CCTV being mentioned.

Ross Hill said it was discussed following the meeting and was one of the recommendations made.

Councillor Hearn said Mr Wright had explained why he could not respond to the Police more fully at the present time. The Councillor said she did not feel the sub-committee could approve the application if the Police were not satisfied with it.

The Chairman suggested it could be approved with conditions. It was very difficult to work out what was going on.

Councillor G Sutton agreed and suggested further negotiations could take place. There was a large amount of money involved and he would not like to see anybody out of pocket. This event would be good for the area, these events always seem to be well attended and well run. The Sub-Committee has to ensure everything was covered. That part of Hemel Hempstead, London Road and Two Waters Road was extremely busy on Saturdays. More consideration should be given to the Travel Policy. There would not be any other parking than that already arranged. There was time to give this more consideration.

The Chairman said the applicant needed to have assurance the Council would not stand in the way of this and suggested terms could be agreed with the Police to solve any problems.

Mr Wright said without the licence it would be difficult to engage more sponsors etc. FestHemel could not move forward until a licence was granted, albeit subject to certain conditions.

Ross Hill said the possibility of adjourning the meeting had been mentioned. An adjournment would need to be to a specified date and could not be open ended. There would need to be a reason for the adjournment and he urged the sub-committee to consider if some or all of the Police conditions were appropriate to agree the licence today.

The sub-committee adjourned at 3.35 pm to allow the applicants to consider the conditions listed by the Hertfordshire Constabulary in their letter dated 2 February 2015.

The sub-committee reconvened at 3.45 pm.

Mr Wright was asked to state if he would accept the conditions set out in the letter.

Agreement was reached on the conditions and this is set out in the resolution.

The Chairman asked if Mr Hill had anything else to add.

Ross Hill summarised the position. The decision now was whether to grant the Premises Licence subject to those conditions agreed and if so whether to impose a Traffic Management Plan. If not, to refuse the application.

Mr Wright and Sergeant Saunders had nothing to add.

The meeting closed at 4.13 pm to enable the members to consider their decision. All parties would be notified of the decision as soon as possible.

RESOLVED

The Sub-Committee resolved to grant the application for a time-limited premises licence, subject to relevant mandatory conditions set out in national legislation, conditions consistent with measures set out in the operating schedule, the additional conditions agreed in advance of the hearing with Environmental Health officers, and the following additional conditions:

1. A detailed event management plan, site layout plan (drawn to scale), event safety plan (including details of emergency evacuation and show stop procedures), and risk assessment(s) shall be prepared and maintained in advance of the event. It is expected that these documents will be fluid in nature, reflecting the development and preparation for the event, and copies of the latest versions of these documents shall be submitted to Hertfordshire Constabulary and to the licensing authority 3 months prior to the first day of the event, and 28 days prior to the first day of the event. (N.B. electronic submission of documents is acceptable)
2. A comprehensive traffic management plan shall be drawn up by the licence-holder and agreed with Hertfordshire Constabulary and Hertfordshire County Council (highways authority), and the agreed measures implemented throughout the duration of the event. A copy of the agreed and finalised plan shall be submitted to the licensing authority no later than 3 months prior to the first day of the event. The plan shall include provisions to ensure minimal disruption to moving traffic along A4251 London Road, Two Waters Road, and to nearby residential roads and business car parks, throughout the event period including egress. The licence holder shall confirm the use of Hemel Hempstead railway station car park for both days together with details of the actual number of parking bays available and how other users are going to be informed and prevented from parking in the said bays.
3. A security and stewarding plan shall be drawn up by the licence-holder and agreed with Hertfordshire Constabulary, and the agreed measures implemented throughout the duration of the event. A copy of the agreed and finalised plan shall be submitted to the licensing authority no later than 2 months prior to the first day of the event. The plan shall include details of CCTV installations, to be agreed with Hertfordshire Constabulary. A competent security contractor shall be employed to provide licensed security personnel.
4. The licence-holder shall consult and update the Dacorum Safety Advisory Group in respect of this event, and shall implement reasonable measures identified by the Group as necessary to ensure public safety.
5. If Hemel Hempstead railway station car park is used for event parking, the licence-holder shall arrange for the positioning of stewards at regular intervals (not more than 100m apart) between the event site exit and the car park entrance, beginning from one hour prior to the end of the event until 30 minutes after the end of the event, in order to ensure a quiet, orderly and safe egress by patrons from the event.
6. A dedicated event safety officer (ESO) shall be employed to oversee all matters pertaining to health and public safety during the event. The identity of and contact details for the ESO (and deputy, if applicable) shall be notified to the licensing authority and police no later than 7 days prior to the event. The ESO, or a suitable deputy, shall be present on the event site throughout the duration of the event, and shall be available to meet with representatives of the emergency services, the licensing authority or the environmental health and safety authority, upon request.

7. An event liaison team (ELT) facility shall be maintained in a suitable location within the event site. Access to this facility shall be granted to the licence-holder's staff/contractors with responsibility for event safety matters, emergency services personnel, and officers of Dacorum Borough Council and Hertfordshire County Council who are present at the event pursuant to statutory powers. Public access to this facility shall be prohibited.

The Sub-Committee considered that these measures were appropriate to ensure the promotion of the licensing objectives (viz: prevention of crime and disorder, public safety, prevention of public nuisance, and protection of children from harm).

At the hearing, the Sub-Committee noted that the applicants agreed to most of the above conditions put forward by Hertfordshire Constabulary, as amended during the hearing. The Sub-Committee considered that the conditions would help to ensure the safety of the event, and were therefore proportionate and appropriate.

Regarding conditions 2 and 5, the Sub-Committee noted that there had been no details provided in respect of these matters within the operating schedule. As the premises is situated at a major road junction, the Sub-Committee agreed that a Traffic Management Plan was required for road safety purposes and for public safety.

In relation to condition 3, the Sub-Committee agreed that this condition was necessary to ensure an adequate security provision, and thus the safety of the event.

The meeting finished at 4.13 pm.