



Licensing of Alcohol and Gambling Sub- Committee

MONDAY 23 MAY 2016 AT 10.30 AM

Council Chamber - Civic Centre

The Councillors listed below are requested to attend the above meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Membership

Councillor Conway
Councillor P Hearn

Councillor Taylor

Substitute Members:
Councillors

For further information, please contact Member Support or

AGENDA

1. MINUTES

There are no minutes to sign.

2. APOLOGIES OF ABSENCE

To receive any apologies of absence

3. DECLARATIONS OF INTEREST

To receive any declarations of interest

4. PREMISES LICENCE APPLICATION (Pages 3 - 24)

5. PROCEDURE FOR THE HEARING (Pages 25 - 26)

6. EXCLUSION OF THE PUBLIC

EXCLUSION OF THE PUBLIC

To consider passing a resolution in the following terms:

That, under s.100A (4) of the Local Government Act 1972 Schedule 12A Part 1 as amended by the Local Government (Access to Information) (Variation) Order 2006 the public be excluded during the item in Part II of the Agenda for this meeting, because it is likely, in view of the nature of the business to be transacted, that if members of the public were present during that item there would be disclosure to them of exempt information relating to



AGENDA ITEM: 5

Report for:	Licensing of Alcohol and Gambling Sub-Committee
Date of meeting:	23 May 2016
PART:	I
If Part II, reason:	-

Title of report:	<p><i>Application reference no: M040436</i></p> <p>Consideration of objection(s) to temporary event notices under the Licensing Act 2003: Norcott Court, Norcott Hill, Northchurch, HP4 1LE</p>
Contact:	Ross Hill – Licensing Team Leader, Legal Governance
Purpose of report:	This report sets out details of a temporary event notice which has been given to the licensing authority, in respect of which a responsible authority has given an objection notice. The objection must be considered by the Sub-Committee, in accordance with the adopted scheme of delegation.
Recommendations	That the notice(s) set out in this report be considered, and that the Sub-Committee determine whether to take one of the actions available to them, as set out at para 5.1.
Corporate objectives:	<p>Safe and Clean Environment</p> <ul style="list-style-type: none"> Applications are required to be considered with regard to the promotion of four licensing objectives, comprising the prevention of crime and disorder, public safety, prevention of public nuisance, and protection of children from harm. <p>Dacorum Delivers</p> <ul style="list-style-type: none"> Consideration of temporary event notices is a statutory function, with a risk of judicial proceedings and reputational damage should the authority fail to properly exercise its functions.
Implications:	Applications are to be determined under existing policies. No new policy implications arise.
Consultees:	The police and environmental health authority are statutory consultees to temporary event notices. One or both have given objection notices to the event detailed below.

Background papers:	Licensing Act 2003, and associated regulations DBC Statement of Licensing Policy 2016-2021 Guidance to Licensing Authorities under section 182 of the Licensing Act 2003 (Home Office, March 2015)
Glossary of acronyms and any other abbreviations used in this report:	TEN: Temporary event notice

1. Background

- 1.1. The supply of alcohol, provision of regulated entertainment, and sale of late night refreshment are licensable activities under the Licensing Act 2003. Authorisation from the Council, in its role as the licensing authority, is required in order to carry on any of these activities at premises within the borough.
- 1.2. The Act provides several forms of authorisation for different scenarios. For infrequent, one-off events with no more than 499 persons in attendance, premises users may give a temporary event notice. This is a light-touch form of authorisation, and providing the proposed event meets statutory criteria and the premises user has satisfied prescribed notification requirements, the event will automatically be deemed to be authorised. This authorisation may, however, be overridden if a counter-notice is issued by the licensing authority in respect of the event, either by virtue of a breach of the statutory limits, or as a result of objections raised by a statutory consultee.
- 1.3. TEN's may be given in respect of standalone events, or used in conjunction with a premises licence or club premises certificate to extend the scope of the permanent authorisation.
- 1.4. Standard TEN's may be given no later than 10 working days prior to a proposed event. When giving a TEN, the premises user must also serve copies on the relevant police and environmental health authorities (unless making an online application, in which case the licensing authority must fulfil this requirement), and those bodies may give notice of any objections to the proposed event within 3 working days of receipt. Where a valid objection to a standard TEN is received by a licensing authority, a hearing must be convened to consider the objection. The Act also provides for a smaller number of late TEN's to be given per year, no later than 5 working days prior to an event. An objection against a late TEN has the effect of an immediate veto to the proposed event.
- 1.5. Under the scheme of delegation adopted by the Council, the Licensing of Alcohol & Gambling Sub-Committee ("the Sub-Committee") is responsible for the exercise of many of the functions of the licensing authority, including determination of applications where representations have been received.

2. General principles to be followed

- 2.1. In common with other decision-making powers under the Licensing Act 2003, the licensing authority is required to carry out its functions with a view to promoting the licensing objectives, which are:
- the prevention of crime and disorder;
 - public safety;
 - the prevention of public nuisance; and
 - the protection of children from harm.
- 2.2. The authority must also have regard to its Statement of Licensing Policy, and to the statutory guidance issued by the Home Office under section 182 of the Act. Chapter 7 of the guidance contains specific provisions in respect of the consideration of temporary event notices. There is no corresponding section with the council's licensing policy, although the general principles set out therein should be followed unless there is good reason to depart. Paragraphs 11.11 onwards refer to specific powers to bring forward current licence conditions and apply them to temporary event notices given in respect of licensed premises.
- 2.3. The licensing authority's powers in respect of temporary event notices are not of grant or refusal, but rather of intervention and veto. The licensing authority may only intervene if objections around the effect of the event on the licensing objectives are raised and upheld by the authority, or if a proposed event would fall outside of the permitted statutory limits on temporary events, which are as follows:
- A premises may benefit from up to 15 TEN's per calendar year, having effect on no more than 21 days;
 - A TEN may have effect for up to 168 consecutive hours (7 days);
 - There must be at least 24 hours between TENs at a premises.
 - An individual may give up to 5 TEN's per year (50 if they hold a personal licence). This limit also applies across associated persons (e.g. family members, husband and wife, business partners);
 - An individual may give no more than 2 late TEN's per year (10 with a personal licence). Any late TEN's also count towards the above limits.
- 2.4. The authority **must** issue a counter-notice, which vetoes a proposed event, if the event would cause the above limits to be breached. A counter-notice **must** also be issued in respect of a late TEN where an objection has been given. The exercise of these powers has been delegated to officers.
- 2.5. The authority **may** issue a counter-notice, which vetoes a proposed event, if objections were raised by the police or environment health authorities to the event, and, having regard to that objection, the authority considers it appropriate for the promotion of a licensing objective to issue such a notice.
- 2.6. If the authority decides not to issue a counter-notice following objections, and the TEN relates to premises which are subject to a premises licence or club premises certificate, it **may** decide to impose one or more conditions from the licence or certificate upon the TEN, if this is considered appropriate for the promotion of the objectives.
- 2.7. The Sub-Committee must ensure that all licensing decisions have a direct relationship to the promotion of one or more of the licensing objectives. Every

matter should be considered on its merits, and there must not be a 'blanket policy' to the extent that it is applied so rigidly that an exercise of discretion in each individual case is precluded. Items must be considered with regard to the principles of fair process and the Human Rights Act.

- 2.8. It is considered inappropriate for licensing officers involved with the administration of TEN's to make recommendations. However responsible authority officers may raise objections in respect of temporary events where concerns arise.

3. Details of temporary event notice

- 3.1. A temporary event notice was given to the licensing authority on **9 May 2016**, by **Julius ROST**, in respect of premises known as **Norcott Court**, situated at **Norcott Hill, Northchurch, Berkhamsted, HP4 1LE**, within the **Northchurch** ward.

- 3.2. The temporary event notice relates to the following proposed event:

Event date(s):	28 th -29 th May 2016
Event time(s):	28 th : 17.00 to 00.00 29 th : 15.00 to 22.00
Activities proposed:	Supply of alcohol (on sales) Regulated entertainment Late night refreshment
Expected attendance:	150

- 3.3. A copy of the temporary event notice is appended as Annex A to this report.
- 3.4. Objection notices in respect of the temporary event notice were received from both Hertfordshire Constabulary and Dacorum Regulatory Services (as the local environmental health body) on the **11th May 2016**, citing concerns in respect of crime and disorder (previous unlicensed events, reports of drug use) and public nuisance (noise complaints from nearby residents at previous events). Copies of the objection notices are appended as Annexes B and C to this report.
- 3.5. No other TEN's have been given by the premises user or in respect of this premises within this calendar year. The proposed event therefore falls within the prescribed limits.
- 3.6. A map of the area in which the premises are situated is appended at Annex D.
- 3.7. The premises user and the objecting responsible authorities have been given notice of the hearing in accordance with statutory requirements.

4. Details of premises licence

- 4.1. There is no valid premises licence in respect of the premises concerned.

5. Options available to the Sub-Committee

- 5.1. Having considered the temporary event notice, the objection notice(s) received from responsible authorities and any further representations made by parties to the hearing:
 - a) The Sub-Committee must decide whether to give the premises user a 'counter-notice' under section 105(2) of the 2003 Act, if they consider it appropriate for the promotion of a licensing objective to do so, setting out the full reasons for this decision;
 - b) If a counter-notice is not issued, then the Sub-Committee must resolve to take no action, and the deemed authorisation will permit the event to take place as proposed.
- 5.2. Full reasons must be given in support of any decision made by the Sub-Committee.
- 5.3. No conditions can be attached to this temporary event notice.
- 5.4. The premises user will have a right of appeal to a magistrates court against a decision to issue a counter-notice. The objecting responsible authorities will have a right of appeal to a magistrates court against a decision not to issue a counter-notice. Any appeal must be brought within 21 days of notification of the decision, but no later than 5 working days prior to the first day of the proposed event.

Annexes attached to this report:

- Annex A – Temporary event notice
- Annex B – Police objection notice
- Annex C – Regulatory Services objection notice
- Annex D – Map of area in which premises is situated

Annex A – Temporary event notice



Dacorum
Temporary Event Notice
Licensing Act 2003

For help contact
licensing@dacorum.gov.uk
Telephone: 01442 228470 / 228860

* required information

Section 1 of 9

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

First name

Family name

E-mail address

Main telephone number Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

Your Address

Address official correspondence should be sent to.

Building number or name	Norcott Court
Street	Dudswell Lane
District	
City or town	Berkhamsted
County or administrative area	
Postcode	HP41LE
Country	United Kingdom

Section 2 of 9

APPLICATION DETAILS [\(See also guidance on completing the form, general notes and note 1\)](#)

Have you had any previous or maiden names?

- Yes No

Your date of birth

dd mm yyyy

Applicant must be 18 years of age or older

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

Correspondence Address

Is the address the same as (or similar to) the address given in section one?

- Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name	Norcott Court
Street	Dudswell Lane
District	
City or town	Berkhamsted
County or administrative area	
Postcode	HP41LE
Country	United Kingdom

Continued from previous page...

Additional Contact Details

Are the contact details the same as (or similar to) those given in section one?

- Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail

Telephone number

Other telephone number

Section 3 of 9

THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). [\(See also guidance on completing the form, note 2\)](#)

Does the premises have an address?

- Yes No

Address

Is the address the same as (or similar to) the address given in section one?

- Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Norcott Court

Street

Dudswell Lane

District

City or town

Berkhamsted

County or administrative area

Postcode

HP41LE

Country

United Kingdom

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

- Neither Premises licence Club premises certificate

Location Details

Provide further details about the location of the event

Norcott Court

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below [\(see also guidance on completing the form, note 3\)](#)

Only use of the garden

Continued from previous page...

Describe the nature of the premises below ([see also guidance on completing the form, note 4](#))

Describe the nature of the event below ([see also guidance on completing the form, note 5](#))

Birthday garden party in marquee. Live bands and a bar

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LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises ([see also guidance on completing the form, note 6](#)):

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of regulated entertainment
- The provision of late night refreshment
- The giving of a late temporary event notice

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.

([See also guidance on completing the form, note 7](#)).

Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

([see also guidance on completing the form, note 8](#))

Event start date / /
 dd mm yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date / /
 dd mm yyyy

Continued from previous page...

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

15:00h to 23:00h

[\(see also guidance on completing the form, note 9\)](#)

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers

150

Note that the maximum number of people cannot exceed 499.

[\(see also guidance on completing the form, note 10\)](#)

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both

[\(see also guidance on completing the form, note 11\):](#)

- On the premises only
- Off the premises only
- Both

Section 5 of 9

RELEVANT ENTERTAINMENT [\(See also guidance on completing the form, note 12\)](#)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

17:00 till 00:00 - 28-05-2016 - 15:00 till 22:00 29-05-2016

Section 6 of 9

PERSONAL LICENCE HOLDERS [\(See also guidance on completing the form, note 13\)](#)

Do you currently hold a valid personal licence?

- Yes
- No

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PREVIOUS TEMPORARY EVENT NOTICES [\(See also guidance on completing the form, note 14\)](#)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

- Yes
- No

Continued from previous page...

Have you already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or Yes No
- b) Begins 24 hours or less after the event period proposed in this notice?

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ASSOCIATES AND BUSINESS COLLEAGUES [\(See also guidance on completing the form, note 15\)](#)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

Yes No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or Yes No
- b) Begins 24 hours or less after the event period proposed in this notice?

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

Yes No

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or Yes No
- b) Begins 24 hours or less after the event period proposed in this notice?

Continued from previous page...

Section 9 of 9	
CONDITION (See also guidance on completing the form, note 17)	
It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.	
PAYMENT DETAILS	
This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. This formality requires a fixed fee of £21	
DECLARATION (See also guidance on completing the form, note 18)	
* The information contained in this form is correct to the best of my knowledge and belief. I understand that it is an offence: (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both. <input checked="" type="checkbox"/> Ticking this box indicates you have read and understood the above declaration	
This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"	
Full name	<input type="text" value="Julius Rost"/>
Capacity	<input type="text" value="organizer"/>
Date	<input type="text" value="09"/> / <input type="text" value="05"/> / <input type="text" value="2016"/> dd mm yyyy
<input type="button" value="Add another signatory"/>	
Once you're finished you need to do the following: 1. Save this form to your computer by clicking file/save as... 2. Go back to https://www.gov.uk/apply-for-a-licence/temporary-event-notice/dacorum/apply-1 to upload this file and continue with your application. Don't forget to make sure you have all your supporting documentation to hand.	

From: Julius Rost
Sent: 09 May 2016 17:38
To: Sally Taylor
Subject: Re: FW: Query on Temporary Event Notice form

Just to confirm I'd like regulated entertainment ticked and the hours in the regular box are relevant to regulated entertainment. Thanks. Julius rost

Sent from [Outlook Mobile](#)

Annex B – Police objection notice



**HERTFORDSHIRE
CONSTABULARY**

- **DACORUM**
- **LICENSING AUTHORITY**
- **Licensing Act 2003**



REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES.

Responsible Authority: Police - On behalf of The Chief Constable of Hertfordshire.

Your Name	M. SAUNDERS
Job Title	Police Sergeant 795
Postal and email address	Community Safety Unit, County Police Station, Coombe Street, Hemel Hempstead, Herts. HP1 1HL.
Contact telephone number	01442 271601

Name of the premises you are making a representation about	Norcott Court
Address of the premises you are making a representation about	Dudswell Lane, Berkhamsted HP4 1LE

Which of the four licensing Objectives does your representation relate to?	Yes Or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	Yes	No plan in place to address this issue - Please see MG 11
Public safety	Yes	No plan in place to address this issue - Please see MG 11
To prevent public nuisance	Yes	No plan in place to address this issue - Please see MG 11
To protect children from harm	Yes	No plan in place to address this issue - Please see MG 11

Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.	The applicant will need to agree to a meeting with both DBC and Police Licensing officers before any conditions can be suggested.
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Signed:

PS 795

Date: 11th May 2016

Witness Statement


Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN: [] [] [] []

Statement of: **Mike SAUNDERS**

Age if under 18 (if over insert "over 18"): Occupation: **Police Sergeant**

This statement (consisting of2..... Pages(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature:  PS 795 Date: 12/05/16

States,

I am a Police Sergeant at St Albans Police Station and currently have supervisory responsibility for the Community Safety Unit. I am authorised under a delegated authority from the Chief Officer of Police to make representations against applications under the Licensing Act 2003 that are relevant to the Licensing Objectives which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

I hold a Licensing Act Qualification with The Institute of Licensing and have been in my current role since June 2014.

This statement relates to the application made under the Licensing Act 2003 for the granting of a temporary licence for an event, due to take place at Norcott Court, Dudswell Lane, Berkhamsted HP4 1LE. The applicant, Mr Julius ROST, has applied, by way of a Temporary Event Notice for a licence to sell alcohol by retail, for the provision of late night refreshment and for the provision of regulated entertainment between 5pm-12 midnight on Saturday 28th May and between 3pm-10pm on Sunday 29th May 2016, the event being described as a birthday garden party with live bands and a bar.

This application was brought to my attention on Monday 10th May 2016 by my Assistant Investigator for Licensing in Dacorum, Mick Ward. I have read the statement that Mick has subsequently written on this issue and will try not to replicate those details in this statement but I find the discrepancies between the application on one hand and the notifications about the event on Facebook, very illuminating. I have also formed the opinion that the applicant has tried to licence a music festival under the guise of a birthday party and I have to ask myself why that is. I am very concerned about the scant regard to all four licensing objectives by the organiser and the fact that the police received several complaints last year regarding an unlicensed event at this location only compounds that concern. Unless there is meeting to address the issues

Signature: _____ Signature Witnessed by: **N/A**

Witness Statement

Continuation of Statement of **Mike SAUNDERS**

and concerns raised, the police cannot support the issuing of a TEN for this event. Should the event go ahead unlicensed then the police will support the local authority in bringing a prosecution against the organiser.

Signature: _____ Signature Witnessed by: N/A

RESTRICTED (when complete)

THIS INFORMATION MAY BE SHARED WITH OTHER LAW ENFORCEMENT AGENCIES

Witness Statement

(Criminal Procedure Rules 2005, r.27.1(1); CJ Act 1967, s.9 & MC Act 1980, ss.5A(3)(a) & 5B)

URN

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Statement of Michael John WARD

Age if under 18 0.18 (if over 18 insert "over 18") **Occupation** Licensing Investigator

This statement (consisting of 4 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature Date

11th May 2016

Tick if witness evidence is visually recorded (supply witness details on rear)

I am employed by Hertfordshire Constabulary as a Licensing Investigator and hold the National Certificate for Licensing Practitioners.

My role is to investigate all aspects of licensing related to the Licensing Act 2003 on behalf of the Chief Constable and includes the monitoring of all applications submitted by Premises Licence Holders, Personal Licence holders and Designated Premises Supervisors.

This statement relates to the application made under the Licensing Act 2003 for the granting of a temporary licence for an event, due to take place at Norcott Court, Dudswell Lane, Berkhamsted HP4 1LE.

The applicant, Mr Julius ROST, has applied, by way of a Temporary Event Notice for a licence to sell alcohol by retail, for the provision of late night refreshment and for the provision of regulated entertainment between 5pm-12 midnight on Saturday 28th May and between 3pm-10pm on Sunday 29th May 2016, the event being described as a birthday garden party with live bands and a bar.

I was notified of this application by the Licensing Department at Dacorum Borough Council on 10th May as no application has been received by the police.

Signature

Signature witnessed by M.J.WARD

Continuation of Statement/Interview of Michael John WARD

Norcott Court is one of a number of large country houses located in Norcott Hill, Dudswell, Berkhamsted, a small single track lane. The premises have extensive grounds, surrounded by trees and bushes.

There is a history with regards to previous events being organised at Norcott Court, resulting in complaints, to both Hertfordshire Constabulary and Environmental Health, from other residents, in respect of excessive noise and suspected drug abuse by the patrons over a 24 hour period. Previous events have been publicised on the internet and via social media as 'Norfest' (2012) (2013) (2014) (2015). All have been, 2-day, outdoor live music events where patrons have purchased either 1 or 2 day tickets and, if required, have been permitted, by the organisers, and for a fee, to pitch tents within the grounds to stay for the duration. In short these events have been small scale music festivals, which, I have established have all been unlicensed.

In September 2015, as a result of complaints of noise, drugs and rowdy behaviour at an event held at the address on 5th & 6th September, I had cause to visit the premises with Enforcement Officers from Dacorum Borough Council Licensing and Environmental Health departments. There I met Mr ROST who apologised for causing complaints from local residents and stated that such issues would not reoccur. He was strongly advised to liaise with Environmental Health with regards to noise levels at any future event or party and was warned of the consequences of holding any unlicensed events in the future.

Having received notification of this current proposed event I initially made a search via 'Google' for 'Norfest 2016'. Highlighted on various websites and on 'Facebook' and other social media sites, was the stated event. The text refers to the names of a number of bands and solo artists performing at the event. It also refers to an 'Open mic' event for new and up and coming artists together with a late night DJ event. On one German website advertising this event I found a link to another website, <http://julesgemini.wix.com/norfestticket>. This site is being used for the sale of tickets for this event. Advertised are 3 or 1 day passes costing £30 per day, the 3 day passes are shown as being sold out.

Signature

Signature witnessed by M.J.WARD

Continuation of Statement/Interview of Michael John WARD

As a result of my enquiries I had cause to contact the applicant Mr ROST, by telephone. Having introduced myself I explained that I was in receipt of his Temporary Event Notice and that I had concerns as to the proposed event. He informed me that it was a private party to celebrate his birthday and that he was expecting 100-150 invited guests.

I questioned him as to why he was making application for a temporary licence for a birthday party when he is advertising a music event, 'Norfest 2016', for the same dates shown on his application and for 200 people. I informed him of my enquiries via the internet and the fact that there were numerous websites advertising this event and how tickets could be obtained. He stated that he had not advertised anything named 'Norfest 2016' on any website and was unaware of how this could have happened.

Referring to a 'Facebook' account entitled 'Norfest 2016' I asked Mr ROST if he was the account holder. He stated that it was his account but it was a 'Closed Group' account which means that it was not available to view by everyone. In order to view the content persons have to be invited by the host. I informed him that I was not an invited guest by had full access to the account.

I then questioned him as to whether there was a fee to attend his party to which he replied "No, it's for invited guests only" I then referred him to the website <http://julesgemini.wix.com/norfestticket> and asked him if this was a site he was using to sell tickets for his event. He agreed that he was selling tickets and therefore I asked him how many tickets he had actually sold to which he replied "About 15". Referring to the same website, I asked why it stated that all of the 3 day passes for the event were sold out and that only 1 day passes were now available. He re-stated that it was a small birthday party.

I then informed Mr ROST that I had concerns that he was organizing a music festival under the guise of a birthday party and had not dealt with issues of public safety, environmental impacts in respect of noise, the prevention of crime and disorder and the safety of children. He had been deceitful in his application by not stating the true nature of his application and that his previous 'Norfest' events had been unlicensed. I then notified him that, based on my findings, I would be passing the matter to my Supervisor with a view to making representation to the Licensing Committee opposing the granting of a temporary licence.

Signature

Signature witnessed by M.J.WARD

Continuation of Statement/Interview of Michael John WARD

I then advised him to view the government website with regards to a document referred to as 'The purple guide' which will help him to go through a correct and thorough safety assessment for an event such as his. I did explain that the document was designed for large public events but the principles are the same.

I then concluded the call.

Signature

Signature witnessed by M.J.WARD

Annex C – Regulatory Services objection notice



Response in Relation to Consultation

Under the Licensing Act 2003

From Environmental Health

Officer : Tracy Aldridge-Jones **Date :** 11 May 2016

Application : Julius ROST, Norcott Court, Norcott Hill, Northchurch, Berkhamsted, Herts, HP4 1LE

History :

Two noise complaints were received last year relating to the event held on 5 & 6 September 2015.

Comments or Observations Relating to the Application :

This application is for a Birthday Garden Party over two days. I have spoken to the Licensing Officer at Hertfordshire Police who informs me this event is being advertised as a music festival which people can purchase tickets to attend, it is also being held over three days.

Specific Objection / Representation :

This application should be refused due to the previous noise complaints last year which the applicant has not addressed and misleading information on the TEN application.

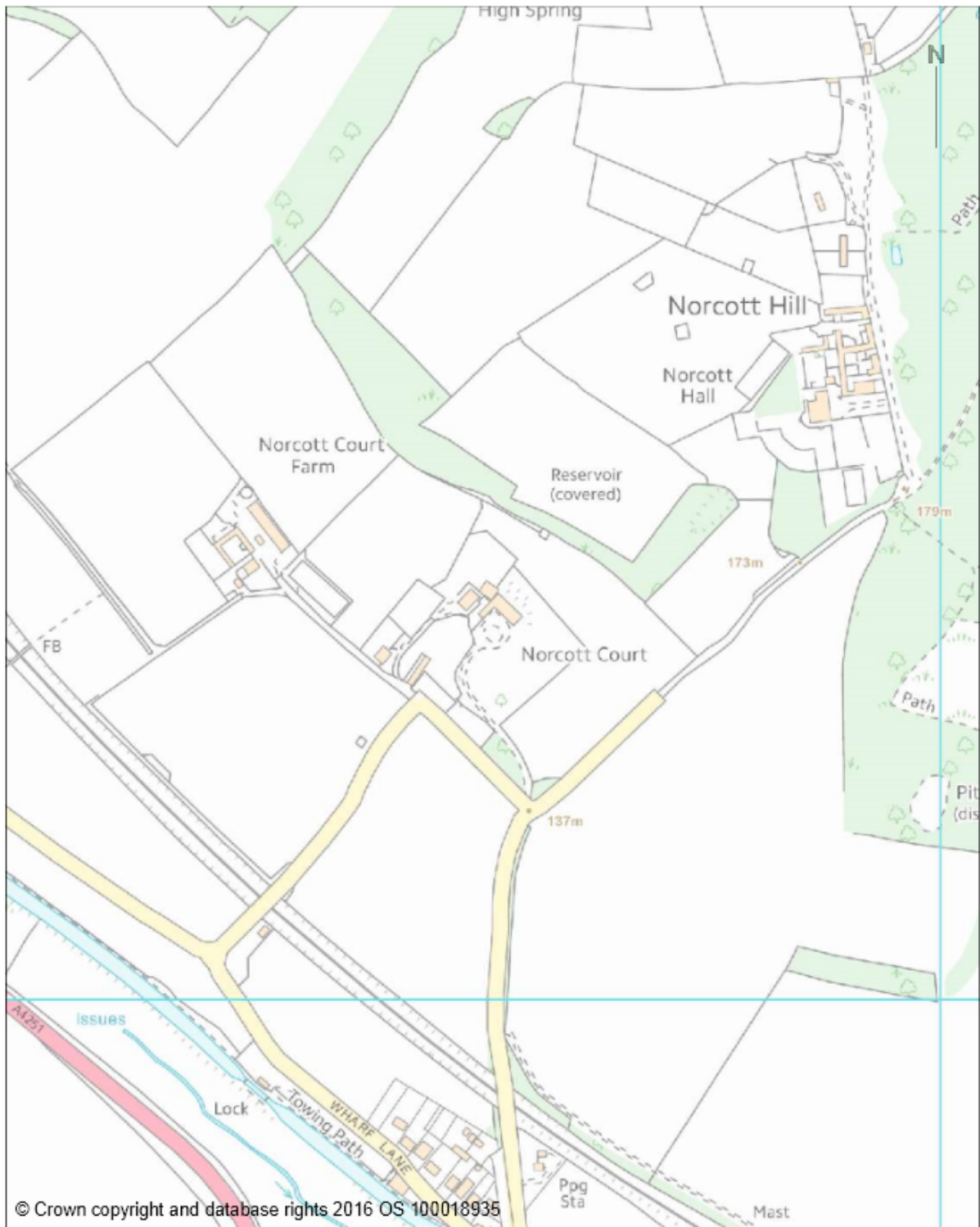
Suggested Remedy to Address the Objection :

Noise monitoring needs to be done during the duration of the event. The music noise levels should not exceed 65dB(A) over a 15 minute period between the hours of 09:00 to 23:00 at 1 metre from the façade of any noise sensitive premises. Outside these hours the music noise should not be audible within noise-sensitive premises with windows open in a typical manner for ventilation.

I trust this information is of use to you. If I can be of any further assistance, please contact me.

Tracy Aldridge-Jones
Environmental Health Officer
Environmental Health

Annex D – Map of area in which premises is situated

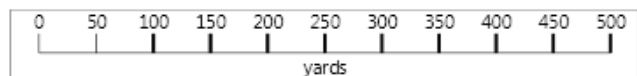


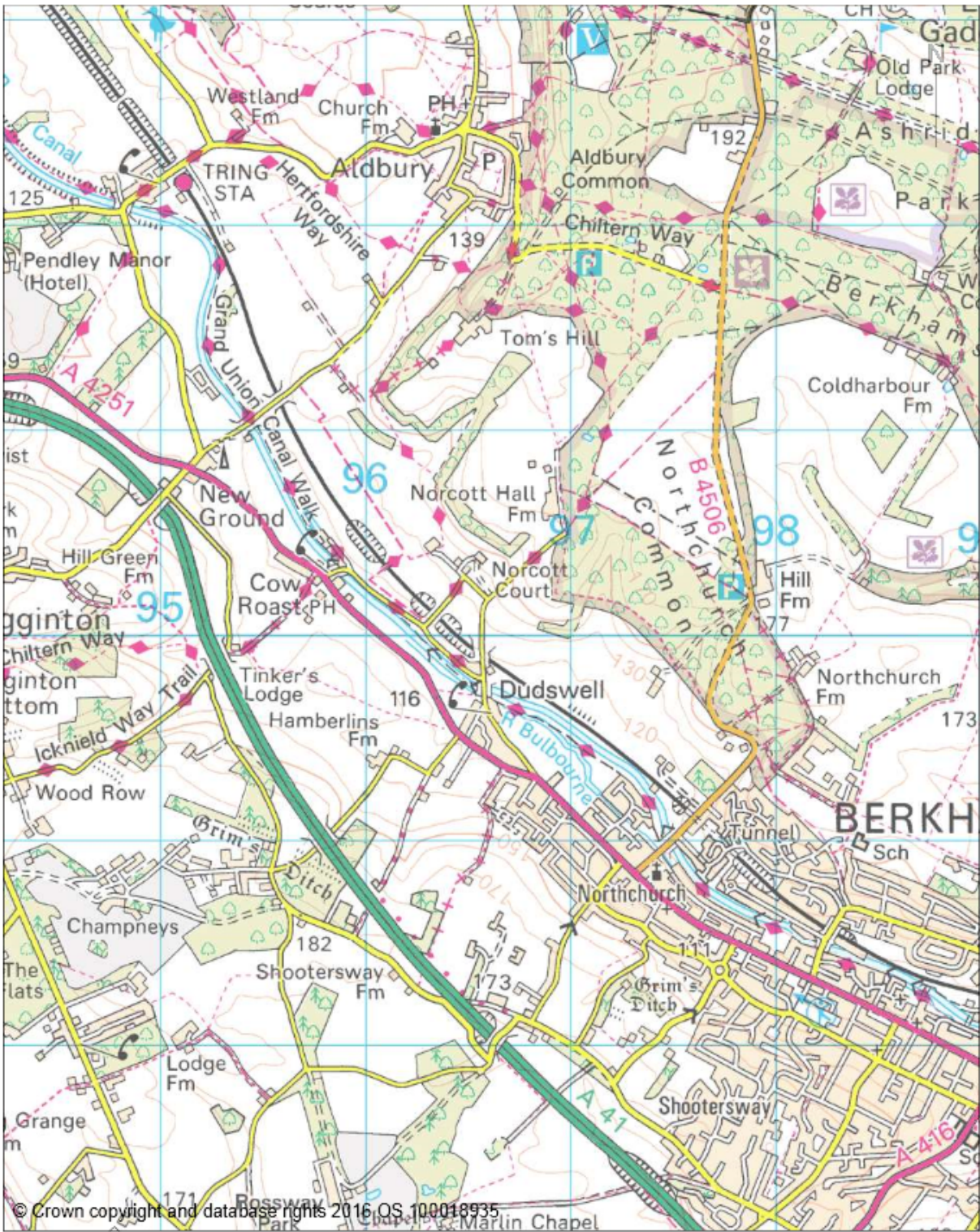
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Dacorum Borough Council
Civic Centre
Marlowes
Hemel Hempstead
Herts
HP1 1HH

Scale: 1:5000
Date: 16/05/2016





Dacorum Borough Council
 Civic Centre
 Marlowes
 Hemel Hempstead
 Herts
 HP1 1HH

Scale: 1:25000
 Date: 16/05/2016

LICENSING OF ALCOHOL AND GAMBLING SUB-COMMITTEE PROCEDURE

The procedure of the Sub-Committee will be as follows:

1. The Chairman will open the meeting by:
 - (a) Introducing the Members of the Sub-Committee (at the same time indicating any change in membership), and the Officers present, to the parties and any other person in attendance, including any representative of the press;
 - (b) stating the nature of the matter to be considered, (including a reference to the name of the premises or place concerned) and
 - (c) explaining the procedure to be followed.
2. The Chairman will ask those present to introduce themselves and:
 - (a) if any party, without prior notice, fails to attend or to be represented, the Sub-Committee will consider whether or not it is necessary in the public interest to adjourn the hearing to a specified date;
 - (b) if any party is unaccompanied, the Chairman will clarify whether that party understood it was permissible to have a representative;
 - (c) the Chairman will establish whether it is proposed anyone speak as a spokesperson;
 - (d) the Sub-Committee will consider:
 - (i) any properly made request by a party for permission for any other person, (not being a representative), to appear and
 - (ii) any request to provide late documentary or other information and will only take the same into account if the other parties consent.
3. The Chairman will ask whether any Member has an interest to declare and whether any Member has visited the premises or place the subject of the application.
4. The Chairman will establish whether all Members of the Sub-Committee have read the papers before them.
5. The Chairman will ask the Officers present to confirm whether there has been compliance with all relevant requirements and to summarise any relevant information, as necessary.
6. Members may ask any relevant question of any Officer.
7. The Chairman will ask each person who is to speak at the meeting for an indication of how much time he or she reasonably estimates is required to make relevant points concisely, and without undue repetition, and will consider a maximum period of time to be applied equally in the case of all the parties.
8. The Sub-Committee will hear from the Applicant (and any proposed Premises Supervisor, if applicable), any Responsible Authority or other person who has made relevant representations (in that order, except in the case of a Review where the order will be: the person or Responsible Authority bringing the Review, the Licence-Holder, and any other Responsible Authority or other person having made relevant representations). Subject to 2 (d)(ii) above, those persons speaking may only raise points which have been made in

writing prior to the meeting and/or give further information, by way of clarification of a point, if this has been sought by the Authority in the notice given by it prior to the hearing.

9. In every case at a suitable point, Members of the Sub-Committee may ask relevant questions of each party.
10. The Sub-Committee will consider any party's request to question/cross-examine another party and will not permit cross-examination unless it is of the view that it is required in order for Members to consider the representations, application or notice as the case may be.
11. The Chairman will invite any person or Responsible Authority, who have made relevant representations, and the Applicant (in that order, except in the case of a Review where the order will be: any person or Responsible Authority which has not made the application for Review, the Licence-Holder, and the person or Responsible Authority bringing the Review), or those representing them, to summarise their points if they wish. At this stage, the Applicant will be afforded the opportunity to consider whether or not to propose amendments to the operating schedule with a view to addressing relevant issues and any such amendment would then fall to be discussed.
12. The Chairman will seek confirmation from all parties that they are satisfied they have made all the pertinent points which they wished to make.
13. Members of the Sub-Committee will discuss what has been said and written on the matter before them and make their decision.
14. The Chairman will confirm the decision, the reasons for the decision, and any condition placed upon the licence (if granted) and the licensing objective to which each condition relates.

Please Note:

- All properly made applications, notices and representations received from absent parties will be considered.
- An Applicant has a right to appeal, details of which can be obtained via the Licensing Officer.
- The Authority has the right to require any person who, in its opinion, is behaving in a disruptive manner, to leave the hearing and may preclude, or impose conditions in relation to, that person's return.