



Report for:	Licensing of Alcohol and Gambling Sub-Committee
Date of meeting:	31 July 2019
PART:	I
If Part II, reason:	

Title of report:	<p><i>Application reference no: M048830, M048831 and M048832</i></p> <p>Consideration of objections to temporary event notices under the Licensing Act 2003: Ledgemore Farm, Ledgemore Lane, Great Gaddesden Hertfordshire HP2 6HF</p>
Contact:	Nathan March – Licensing Team Leader, Legal Governance/Sally McDonald – Lead Officer, Licensing
Purpose of report:	This report sets out details of 3 temporary event notices which have been given to the licensing authority, in respect of which both responsible authorities have given objection notices to one or more of them. The objections must be considered by the Sub-Committee, in accordance with the adopted scheme of delegation.
Recommendations	That the notices 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 paragraph 5 of the report.
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, and are the only responsible people permitted to object to such notices. Both have given objection notices to one or more of the events detailed in the report.
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 and/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. Three temporary event notices were served on the licensing authority on **18 July 2019**, along with further supplementary event information and a site plan. The three notices are for the same premises, and relate to 'The Giving Tree event' which is being held in a field adjacent to Ledgemore Farm from 30 August to 2 September 2019 inclusive:

SUBMITTER	PREMISES NAME	ADDRESS	WARD
Jonathan Soden	Ledgemore Farm	Ledgemore Lane, Great Gaddesden Herts HP2 6HF	Watling ward
Christopher Pocock	Ledgemore Farm	Ledgemore Lane, Great Gaddesden Herts HP2 6HF	Watling ward
Daniel Taylor	Ledgemore Farm	Ledgemore Lane, Great Gaddesden Herts HP2 6HF	Watling ward

- 3.2. The temporary event notices cover three separate areas across the site, and give notice of the following licensable activities:

Event dates:	30 th August to 2 nd September inclusive
Activities proposed:	M048830: Regulated entertainment only M048831: Regulated entertainment only M048832: 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 For consumption both on and off the premises
Event times as set out on the Temporary Event Notices	Smaller stage: (M048830) 30 August: 16:00 hours until 02:00 hours on 31 August; 31 August: 16:00 hours until 04:00 hours on 1 September; and 1 September 16:00 hours until 04:00 hours on 2 September

	<p>Large stage: (M048831) 30 August: 14:00 hours until 01:00 hours on 31 August; and 31 August: 12:00 hours until 01:00 hours on 2 September inclusive</p> <p>Bar: (M048832) 30 August: 14:00 hours to 01:00 hours 31 August; and 31 August: 12:00 hours to 02:00 on 2 September inclusive</p>
Expected attendance:	M048830 – 499 M048831 – 499 M048832 – 499

- 3.3. Copies of all three temporary event notices are appended as Annexes A1, A2 and A3 to this report.
- 3.4. The site plan and supporting information relating to all three notices is set out at Annex B1 and a general map of the site area is attached at Annex B2.
- 3.5. An objection notice in respect of all three temporary event notices was received from Dacorum Environment and Community Protection (as the local environmental health body) on the 22 July 2019, citing concerns in respect of public nuisance and public safety. A copy of the objection notice is appended as Annex C1 to this report.
- 3.6. An objection notice from Hertfordshire Constabulary referencing all three temporary event notices was received on 23 July 2019 citing concerns in respect of potential crime and disorder, public nuisance and public safety. However, as the objection notice was only served on the submitter of M048832 (smaller stage) its contents can only be considered in relation to that particular Temporary event notice, in accordance with the service requirements set out in s104 (2) of the Licensing Act 2003. The objection notice is set out at Annex C2.
- 3.7. Hertfordshire Constabulary have explained that their understanding was that Jonathan Soden, the submitter of M048830 was the overall manager of the event, hence the service of the objection notice upon him. This information is set out at Annex C3.
- 3.8. 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.
- 3.9. The premises user and the objecting responsible authority 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 for the premises concerned.

5. Options available to the Sub-Committee

5.1. Having considered the temporary event notice, the objection notices 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 for each Temporary event notice a 'counter-notice' under section 105(2) of the 2003 Act, if it is considered 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. The premises user will have a right of appeal to a magistrates court against a decision to issue a counter-notice. The objecting responsible authority 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:

Annexes A1 to A3 – Temporary event notices M048830, M048831 and M048832

Annexes B1 and B2 - Supporting documents and site plan, and area site map

Annexes C1 and C2 – Environmental and Community Protection/Police objection notices

Annex D – Local policy considerations and national guidance

Annex A1 – Temporary event notice M048830



Dacorum
Temporary Event Notice
Licensing Act 2003

For help contact
licensing@dacorum.gov.uk
Telephone: 01442 228000

* 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

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.

Applicant Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name If your business is registered, use its registered name.

VAT number Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

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

/ /

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

Street

District

City or town

County or administrative area

Postcode

Country

Continued from previous page...

Additional Contact Details

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

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.

Yes

No

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?

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.

Yes

No

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

* 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

The event is to be held on the field adjacent to main farm buildings. please see attached site plan.

This application is for the area on the attached plan marked in RED.

The smaller performance stage.

Continued from previous page...

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)

This notice is for the performance area which will be managed by security to ensure the maximum number in the area does not exceed 499 including staff and performers. please see attached site plan.

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

The Premises will be a field adjacent to an existing property,
The premises is an area of a field designated as a performance stage
It will be a prefabricated structure with a performance area, a viewing area, covering to demarcate the area and to control the amount of people with in the area.
Guests and performers will have access to this area.
The Bar area will form part of a larger event.

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

The events is a music and culture festival. Based on a sustainability code, with heavily green credentials.

There will be 2 stages operating at different times through out the event, with the speaker systems designed to create an intermate yet effective reach.

There will be workshops, yoga lessons, and talks from prominent green activists, artists and writers.
There will be live and recorded music provided from a DJ stage with acts from London and across the UK.

Tickets will be sold for the event but we are limiting the total sale amount, and targeting an older crowd, the estimated average age of our target audience is 30.

We are running the event as a pilot year, with the aim of creating a sustainable event model, which we will then use to target a site that can contain a larger audience and event. With the idea of obtaining a 5 year permit from 2020.

Section 4 of 9

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

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

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 8).

Continued from previous page...

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 9)

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

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

(see also guidance on completing the form, note 10)

30/08/2019 (16:00) - 31/08/2019 (02:00)
31/08/2019 (16:00) - 01/088/2019 (04:00)
01/09/2019 (16:00) - 02/09/2019 (04:00)

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 (see also guidance on completing the form, note 11)

Note that the maximum number of people cannot exceed 499.

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 12):

- On the premises only
 Off the premises only
 Both

Section 5 of 9

RELEVANT ENTERTAINMENT (See also guidance on completing the form, note 13)

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

The licensable activity will be the performances of live and recorded music.
30/08/2019 (16:00) - 31/08/2019 (02:00)
31/08/2019 (16:00) - 01/088/2019 (04:00)
01/09/2019 (16:00) - 02/09/2019 (04:00)

Section 6 of 9

PERSONAL LICENCE HOLDERS (See also guidance on completing the form, note 14)

Continued from previous page...

Do you currently hold a valid personal licence? Yes No

Section 7 of 9

PREVIOUS TEMPORARY EVENT NOTICES (See also guidance on completing the form, note 15)

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

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?

Section 8 of 9

ASSOCIATES AND BUSINESS COLLEAGUES (See also guidance on completing the form, note 16)

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

Continued from previous page...

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:

Yes No

- a) Ends 24 hours or less before; or
- b) Begins 24 hours or less after the event period proposed in this notice?

Section 9 of 9

CONDITION (See also guidance on completing the form, note 18)

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 19)

* 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.

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
* Capacity
* Date / /
dd mm yyyy

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.

Annex A2 – Temporary event notice M048831



Dacorum
Temporary Event Notice
Licensing Act 2003

For help contact
licensing@dacorum.gov.uk
Telephone: 01442 228000

* required information

Section 1 of 9

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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

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.

Applicant Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

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

/ /

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

Street

District

City or town

County or administrative area

Postcode

Country

Continued from previous page...

Additional Contact Details

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

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E-mail

Telephone number

Other telephone number

Section 3 of 9

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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?

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.

Yes

No

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

* 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

The event is to be held on the field adjacent to main farm buildings. please see attached site plan.

This application is for the area on the attached plan marked in ORANGE.

The larger performance stage.

Continued from previous page...

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)

This notice is for the performance area which will be managed by security to ensure the maximum number in the area does not exceed 499 including staff and performers. please see attached site plan.

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

The Premises will be a field adjacent to an existing property,
The premises is an area of a field designated as a performance stage
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Guests and performers will have access to this area.
The Bar area will form part of a larger event.

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

The events is a music and culture festival. Based on a sustainability code, with heavily green credentials.

There will be 2 stages operating at different times through out the event, with the speaker systems designed to create an intermate yet effective reach.

There will be workshops, yoga lessons, and talks from prominent green activists, artists and writers.
There will be live and recorded music provided from a DJ stage with acts from London and across the UK.

Tickets will be sold for the event but we are limiting the total sale amount, and targeting an older crowd, the estimated average age of our target audience is 30.

We are running the event as a pilot year, with the aim of creating a sustainable event model, which we will then use to target a site that can contain a larger audience and event. With the idea of obtaining a 5 year permit from 2020.

Section 4 of 9

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

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

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 8).

Continued from previous page...

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 9)

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

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

(see also guidance on completing the form, note 10)

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 (see also guidance on completing the form, note 11)

Note that the maximum number of people cannot exceed 499.

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 12):

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

Section 5 of 9

RELEVANT ENTERTAINMENT (See also guidance on completing the form, note 13)

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

Section 6 of 9

PERSONAL LICENCE HOLDERS (See also guidance on completing the form, note 14)

Continued from previous page...

Do you currently hold a valid personal licence? Yes No

Section 7 of 9

PREVIOUS TEMPORARY EVENT NOTICES (See also guidance on completing the form, note 15)

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

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?

Section 8 of 9

ASSOCIATES AND BUSINESS COLLEAGUES (See also guidance on completing the form, note 16)

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

Continued from previous page...

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:

Yes No

- a) Ends 24 hours or less before; or
- b) Begins 24 hours or less after the event period proposed in this notice?

Section 9 of 9

CONDITION (See also guidance on completing the form, note 18)

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 19)

* 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.

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

* Capacity

* Date / /
dd mm yyyy

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.

Annex A3 – Temporary event notice M048832



Dacorum
Temporary Event Notice
Licensing Act 2003

For help contact
licensing@dacorum.gov.uk
Telephone: 01442 228000

* 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

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

* Street

District

* City or town

County or administrative area

* Postcode

* Country

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 / /

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

Street

District

City or town

County or administrative area

Postcode

Country

Continued from previous page...

Additional Contact Details

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

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.

Yes No

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?

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.

Yes No

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

* 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

The event is to be held on the field adjacent to main farm buildings. please see attached site plan.

This application is for the area on the attached plan marked in GREEN

The Bar area of the event

Continued from previous page...

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)

This notice is for the bar area, which will be an area of sale, managed by security to ensure the maximum number in the area does not exceed 499 including staff and performers. Please see attached site plan

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

The Premises will be a field adjacent to an existing property,
The premises is an area of a field designated as a bar area.
It will be a prefabricated structure with a serving area, a drinking area and a walling system to control the amount of people with in the area.
Both staff and paying guests will be allowed access to the area.
The Bar area will form part of a larger event.

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

The event is a music and culture festival. Based on a sustainability code, with heavily green credentials.
There will be 2 stages operating at different times through out the event, with the speaker systems designed to create an intimate yet effective reach.
There will be workshops, yoga lessons, and talks from prominent green activists, artists and writers.
There will be live and recorded music provided from a DJ stage with acts from London and across the UK.
Tickets will be sold for the event but we are limiting the total sale amount, and targeting an older crowd, the estimated average age of our target audience is 30.
We are running the event as a pilot year, with the aim of creating a sustainable event model, which we will then use to target a site that can contain a larger audience and event. With the idea of obtaining a 5 year permit from 2020.

Section 4 of 9

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

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

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 8).

Continued from previous page...

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 9)

Event start date

30	/	08	/	2019
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

02	/	09	/	2019
dd		mm		yyyy

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

(see also guidance on completing the form, note 10)

30/08/2019 (14:00) - 31/08/2019 (01:00)
31/08/2019 (12:00) - 02/09/2019 (02:00)

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 (see also guidance on completing the form, note 11)

499

Note that the maximum number of people cannot exceed 499.

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 12):

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

Section 5 of 9

RELEVANT ENTERTAINMENT (See also guidance on completing the form, note 13)

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

The licensable activity will be the sale of alcohol during the following times. 30/08/2019 (14:00) - 31/08/2019 (01:00) 31/08/2019 (12:00) - 02/09/2019 (02:00)

Section 6 of 9

PERSONAL LICENCE HOLDERS (See also guidance on completing the form, note 14)

Continued from previous page...

Do you currently hold a valid personal licence? Yes No

Provide the details of your personal licence below.

Issuing licensing authority

Licence number

Date of issue / /
dd mm yyyy

Any further relevant details

Section 7 of 9

PREVIOUS TEMPORARY EVENT NOTICES (See also guidance on completing the form, note 15)

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

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?

Section 8 of 9

ASSOCIATES AND BUSINESS COLLEAGUES (See also guidance on completing the form, note 16)

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

Continued from previous page...

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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
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Section 9 of 9

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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.

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This formality requires a fixed fee of £21

DECLARATION (See also guidance on completing the form, note 19)

* 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.

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?"

Continued from previous page...

* Full name

* Capacity

* Date / /
dd mm yyyy

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- Don't forget to make sure you have all your supporting documentation to hand.

OFFICE USE ONLY

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed

Annex B1 – Supporting documents and site plan



Continued:



PRODUCTION INFO

Site Address: Ledgemore Farm, Hertfordshire, HP26HF

Guest Site Days: Friday 30/08/2019 (12:00) - Monday 02/09/2019 (12:00)

Guest Gate Access times: Friday 30/08/2019 (12:00-22:00) ; Saturday 31/08/2019 (08:00-20:00) ;
Sunday 01/09/2019 (08:00-13:00).

Gate will be open to leave with no return 24 hrs a day until Monday 02/09/2019 12:00

Performance Times:

Friday 30/08/2019 (21:00-02:00) Small Stage **[RED]**

Saturday 31/08/2019 (20:00 - 04:00)

Sunday 01/09/2019 (20:00-04:00) Small Stage **[RED]**

Friday 30/08/2019 (19:00 - 02:00) Main Stage **[ORANGE]**

Saturday 01/09/2019 (13:00) - Sunday 01/09/2019 (20:00) Main Stage **[ORANGE]**

Bar Times:

Friday 30/08/2019 (14:00 - 01:00) **[GREEN]**

Saturday 31/08/2019 (12:00) - Monday 02/09/2019 (01:00) **[GREEN]**

Build and Break:

Site opens for build on Monday 26/08/2019 (08:00)

Site closes for build on Friday 30/08/2019 (10:00)

Main Stage area open for Break 01/09/2019 (21:00)

Site open for break on Monday 02/09/2019 (07:00)

Site closes for Break on Wednesday 04/09/2019 (20:00)

The Giving Tree Festival

30/08/2019-01/09/2019



alchemy records



ELF
GROUP
DESIGN | BUILD | DELIVER

Continued:



Security Requirements & info:

- The event dates are listed above,
- There is one gate for in and out (Gate times above)
- Bar Times above
- Foot Traffic from the again car park
- Security required to monitor each area 'Red', 'Orange', 'Green' for licencing reasons
- Security and welfare camp and work area (Also see next page)
- 1000 maximum capacity including all staff and reformers.
- Skelton Security staff required for key areas from Wednesday 28/08/2019 - Tuesday 3/09/2019
- Another requirements you may suggest.

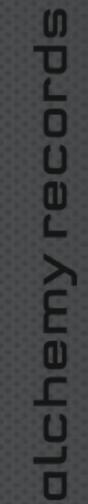
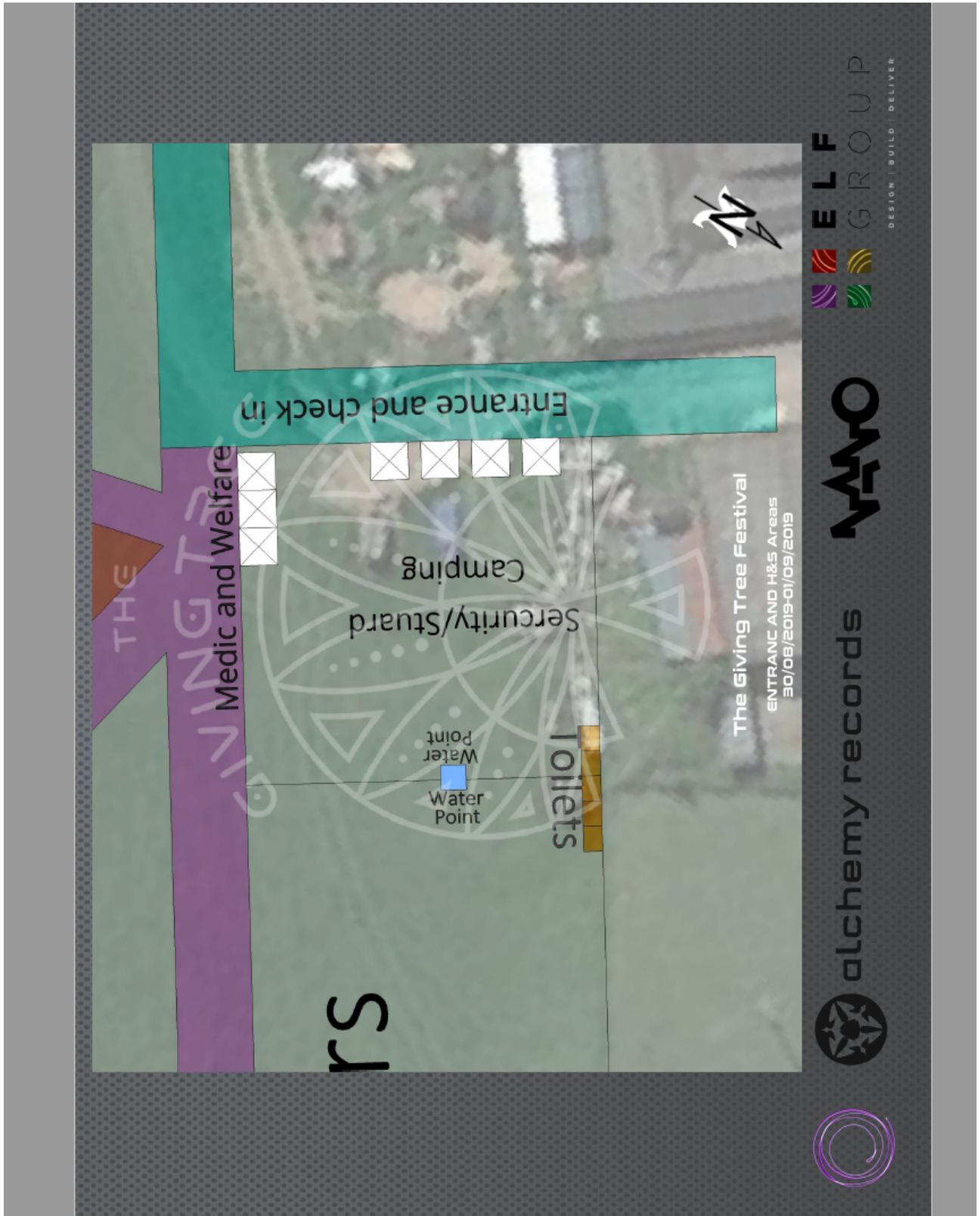
The Giving Tree Festival
30/08/2019-01/09/2019



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Continued:



Continued:



The main stage area. 'Orange', T&E Licencing application

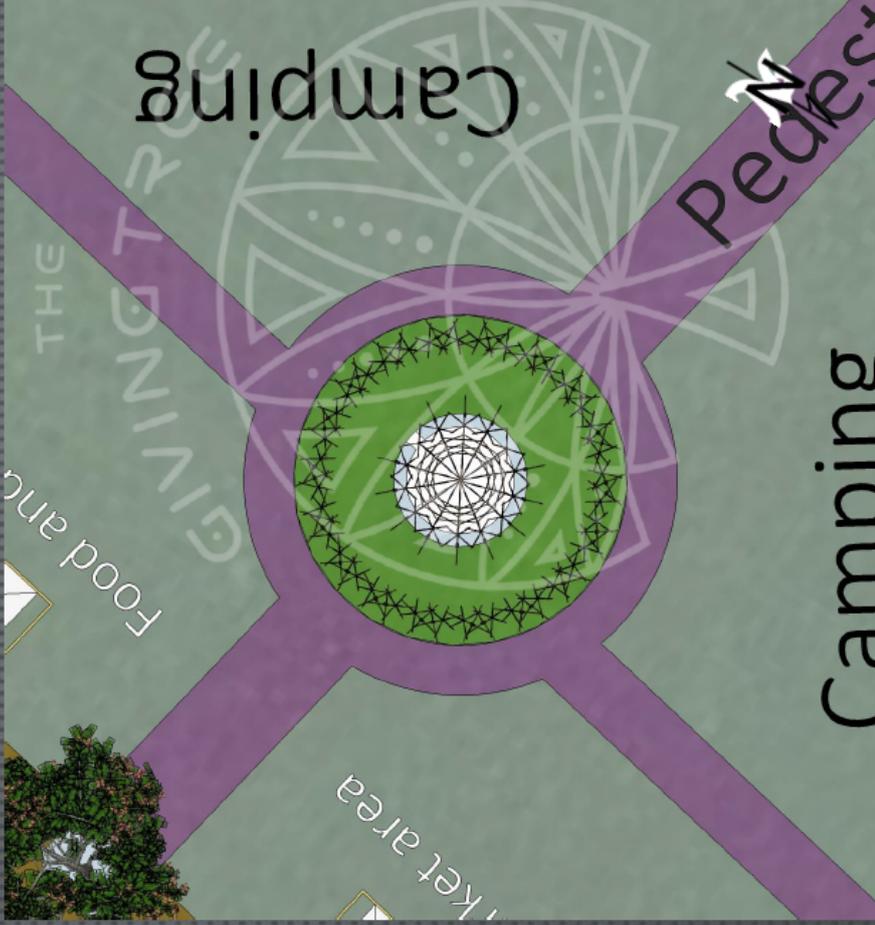


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The Giving Tree Festival
30/08/2019-01/09/2019

Continued:

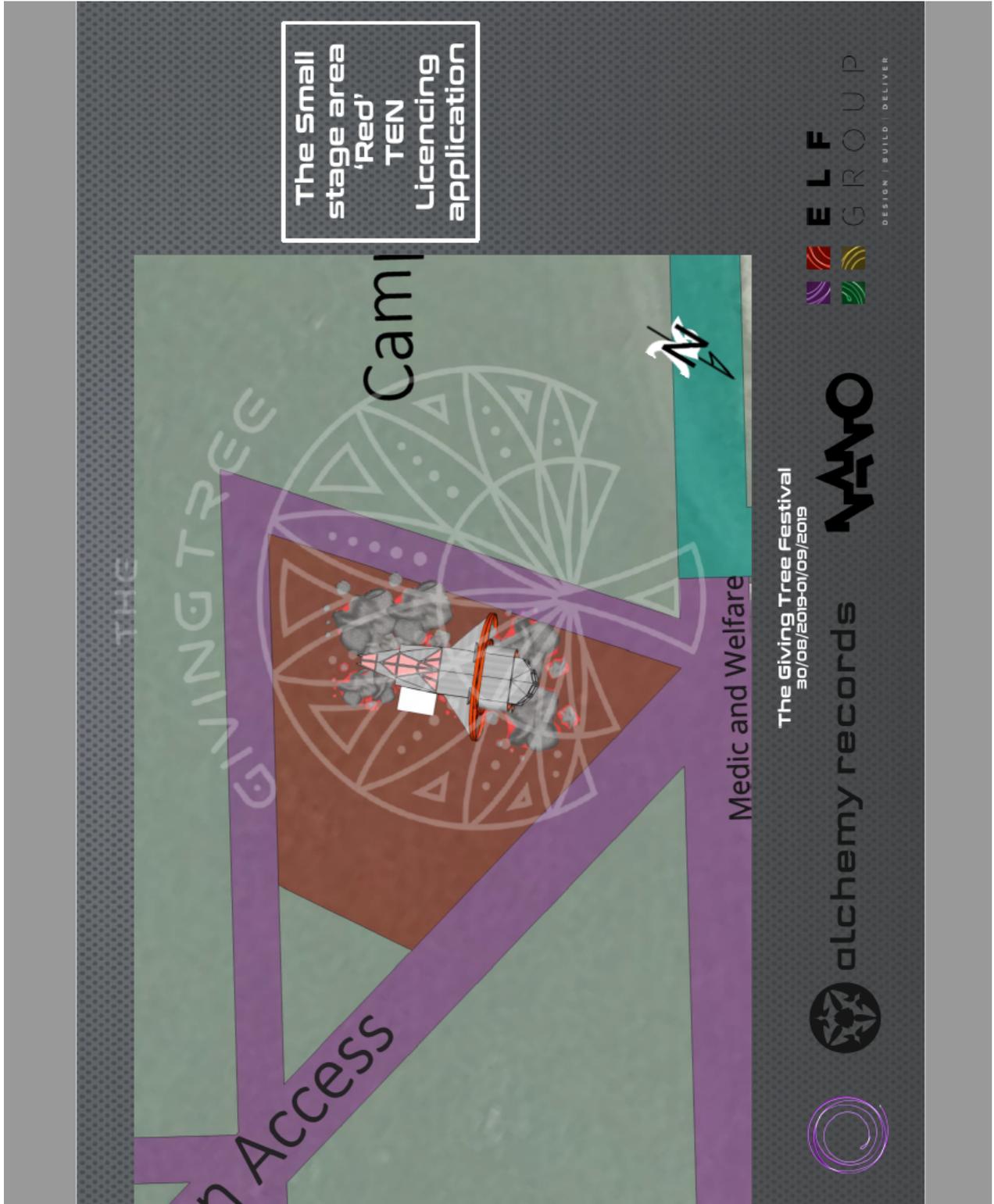


The Bar
area
'Green'
TEN
Licencing
application



alchemy records





Continued:



The Giving Tree Festival

30/08/2019-01/09/2019

Contact info:

Joey Soden Production Director

joey@elfideas.co.uk

joey@thegivingtree.co.uk

07886098702

ELF EVENTS LTD

4 High Street, Flamstead, St Albans, AL38BS

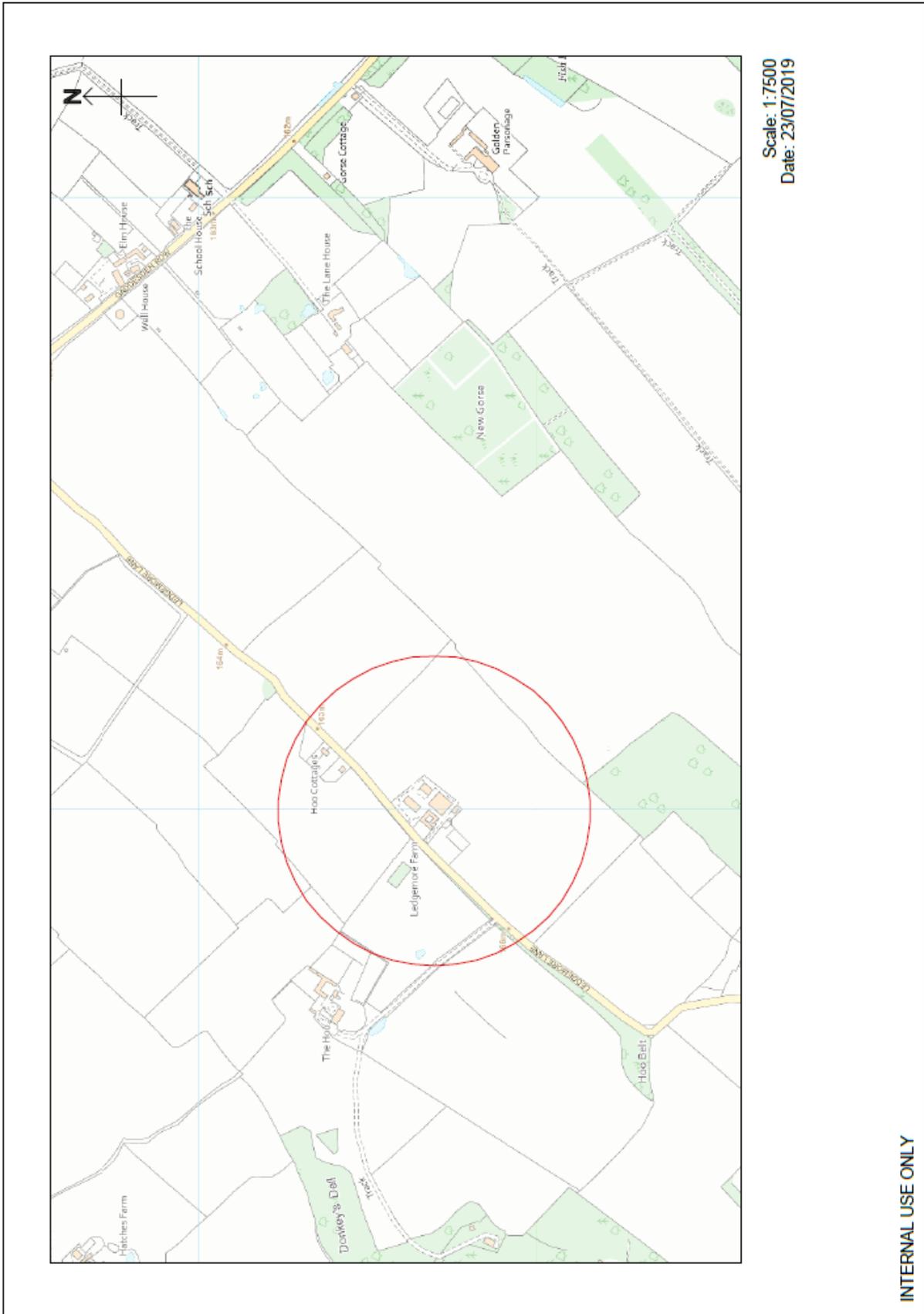


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Continued:

Annex B2 – Map of site and surrounding area



Annex C1 – Objection notice: Environment and Community Protection:

From: Neil Polden

Sent: 22 July 2019 16:40

To: Licensing Mailbox; 'chris@lynxcompletesafety.co.uk'; 'joey@elfideas.co.uk'; 'dtataylor1990@gmail.com'

Cc: 'LAMPEY, Vincent 7350'

Subject: The Giving Tree Festival - M048832, M048831, M048830

Good afternoon

The ECP department are objecting to the proposed TENs for regulated entertainment on public nuisance grounds and concerns for public safety. Our primary concern relates to public nuisance being our area of expertise, but also we have concerns regarding the proposed site and access is via Ledgemore Lane, which is a single track road. Concerns regarding vehicles accessing site (including emergency vehicles), arise from event build-up and break-down as well during the event, noting a capacity of around 1,000 people. We note there is no event management or safety plan forming part of the application.

Reviewing the information submitted by the applicant for regulated entertainment 'TGT-small-01' and 'GT19-S' this proposes regulated entertainment on the following dates / times:

- 30/08/19 – 31/08/19 (Small stage 16:00 – 02:00; Large Stage 14:00 – 01:00)
- 31/08/19 – 01/09/19 (Small Stage 16:00 – 04:00; Large Stage 12:00 – 01:00)
- 01/09/19 – 02/09/19 (Small Stage 16:00 – 04:00; Large Stage 12:00 – 01:00)

Plans for the local area note there are residential properties between 200 – 800m from site. The event describes live and recorded music outdoors to entertain an audience of up to 499. We also note that whilst there is a small and large stage there is no differentiation between audience sizes, both stated as a maximum of 499. This would result in close to 1,000 attendees at site particularly where the licence times cross over.

The locality is also one which is rural in nature and likely to experience low background levels. Therefore regulated entertainment will be considered as a source of loud music and something which is in stark contrast to the prevailing sound environment and expectations of persons living in the locality. Regulated entertainment is also specified until 01:00, 02:00 and 04:00 and therefore we have concerns of prolonged interference which would also give rise to disturbance on consecutive nights when having regard to the terminal hour.

There is also concern of noise arising from the occupation of the site from camping, and associated nuisance noting alcohol off-sales. Camping forms part of the overall event and can be linked to alcohol off-sales. Therefore nuisance can be associated with people camping on the site due to noise which may include music, shouting etc.

Due to the nature of the application as a TEN, the event cannot be made subject to condition and hence our objection.

Regards

Neil Polden

Lead Environmental Health Officer

Environmental and Community Protection

01442 228331 (ext. 2331) or ECP Admin 01442 228455

Neil.Polden@dacorum.gov.uk

The Forum | Marlowes | Hemel Hempstead | HP1 1DN

Annex C2 – Objection notice to M048832 only: Hertfordshire Constabulary

From: LAMPEY, Vincent 7350 [mailto:Vincent.LAMPEY@Herts.pnn.police.uk]

Sent: 23 July 2019 12:54

To: Licensing Mailbox; 'Jonathan Soden'

Cc: SAUNDERS, Mike 795 & 4219

Subject: FW: The Giving Tree Festival 2019 [OFFICIAL]

Importance: High

Good Afternoon Wendy,

The police are objecting to all three of the TENs on the grounds of:

The prevention of crime and disorder:

It is stated on their application: "There will be live and recorded music provided from a DJ with acts from London and across the UK".

Depending on the act, there may be a fairly strong possibility of crime and disorder due to their following, we are not able to carry out checks on all the acts on the website in the time available.

Public Safety:

Transport – There is provision for transport to the event but no mention of return.

Under accessibility – There is mention to Strobe lighting.

Under teaching – There is a medicine women who will demonstrate Sacred Tobacco (Rapeh) on volunteers. Rapeh can be hallucinogenic.

Public Nuisance:

The police concern would be the same as Environmental health in the attached e-mail.

All the issues raised should be covered in an Event Management Plan, without this document being agreed the police are unable to support this event.

Regards,

Vince

Vincent Luke Lampey

Assistant Investigator – Licensing

Work: 01442 27 1601

e-mail: Vincent.lampey@herts.pnn.police.uk



Hemel Hempstead Police Station
Combe St
Hemel Hempstead
HP1 1HL

Annex C3: Correspondence with Hertfordshire Constabulary in respect of incorrect service of objection notice

From: LAMPEY, Vincent 7350 [mailto:Vincent.LAMPEY@Herts.pnn.police.uk]

Sent: 24 July 2019 11:30

To: Licensing Mailbox

Cc: SAUNDERS, Mike 795 & 4219

Subject: RE: The Giving Tree Festival 2019 [OFFICIAL]

Morning Sally,

We were told by Jonathan Soden that he had overall control of the whole event but I respect that there are rules to be adhered to.

Regards,

Vince

Vincent Luke Lampey

Assistant Investigator – Licensing

Work: 01442 27 1601

e-mail: Vincent.lampey@herts.pnn.police.uk



Hemel Hempstead Police Station
Combe St
Hemel Hempstead
HP1 1HL

From: Licensing Mailbox [mailto:Licensing@dacorum.gov.uk]

Sent: 24 July 2019 09:45

To: LAMPEY, Vincent 7350 <Vincent.LAMPEY@Herts.pnn.police.uk>

Subject: RE: The Giving Tree Festival 2019 [OFFICIAL]

Good morning Vince

Due to our system crashing yesterday afternoon, I have just now checked your objection notice – however, you have only served notice of the objection on the submitter for M048830 – Jonathan Soden. The other two were submitted by Christopher Pocock and Daniel Taylor.

That being the case and as per s.104(2) you will only be able to present your objection to the Temporary Event notice relating to the small stage, and this will be referenced in the Committee report.

Kind regards

S A Mcdonald

Sally Mcdonald

Lead Officer – Licensing

Corporate and Contracted Services

Annex D – Local Policy considerations and national guidance

Dacorum Borough Council Licensing Policy 2016-2021

Crime and Disorder

5.6. When considering applications and reviews the licensing authority will give consideration to:

- whether the premises make or will make a significant contribution to levels of crime and disorder in the local area, and
- whether the operating schedule demonstrates that an adequate risk assessment of the likelihood of crime and disorder occurring as the result of the issue of an authorisation has been carried out by the applicant.

5.7. The authority will work closely with Hertfordshire Constabulary and the other members of the Dacorum Community Safety Partnership, both to monitor and investigate incidents of crime or disorder associated with licensable activities at and around licensed premises, and to identify emerging trends and patterns in such incidents.

5.8. To achieve the best results, the prevention of crime and disorder requires partnership working between statutory bodies and licensed premises. While there are a number of measures which licence-holders can, and will be expected to, implement in order to promote this objective within their premises, the authority also expects licence-holders to understand which issues they will not be able to resolve themselves, and to liaise and co-operate with the licensing authority, police, and other bodies. In particular, incidents occurring outside of but in the vicinity of licensed premises, which do not involve the customers or staff from that premises, are likely to be outside of the direct control of licence-holders, but they may be able to provide evidence or intelligence allowing statutory bodies to investigate the incident in question.

Public safety

5.9. When considering this objective, the licensing authority will concern itself with the physical safety and wellbeing of the people who use licensed premises, and those who may be affected by the use of licensed premises (e.g. non-customers who happen to be in the immediate vicinity of a premises). This will include measures that seek to prevent accidents, injuries and short- or long-term illnesses to staff, customers or other persons.

5.10. There are several regulatory regimes concerned with public safety, and the licensing authority will seek to avoid duplication with these insofar as is possible. In particular, we will not duplicate obligations placed upon licence-holders under the Health and Safety at Work Act 1974 or the Regulatory Reform (Fire Safety) Order 2005 (which is discussed further later in this Statement). However, where representations are made by responsible authorities responsible for enforcing these regimes concerning the failure of a licence-holder to adhere to or comply with another regime, the licensing authority may consider whether this is indicative of a wider systemic failure on the part of the licence-holder to promote the licensing objectives.

5.11. Where a premises is providing high-risk activities ancillary to licensable activities, or is utilising special effects in conjunction with a licensable activity, such as the use of lasers, pyrotechnics, dry ice, smoke machines, foam machines or strobe lighting during an entertainment performance, the licensing authority expects that all necessary equipment and materials will be under the control of a suitably-trained and experienced individual, and for a suitable risk assessment to have been carried out prior to use.

Public nuisance

- 5.12. The licensing authority will interpret the term 'public nuisance' widely, and when considering this objective will take into account issues relating to noise, vibration, light, litter, offensive odours and anti-social behaviour arising from or in connection with the provision of licensable activities.
- 5.13. This objective does not mean the complete prevention of all of the above issues, but rather the prevention of such unreasonable levels of these as would constitute a nuisance to the public or a section thereof. A degree of noise, for example, is an inevitable consequence of the provision of most forms of regulated entertainment. The licensing authority will therefore seek to exercise its powers in a way which promotes the licensing objective, to discourage and eliminate the carrying on of licensable activities in a way that causes unreasonable inconvenience, upset or distress to others.
- 5.14. The authority notes that, as with other licensing objectives, other regulatory regimes exist which may be used by statutory bodies to control the adverse effects of these issues, and will seek to avoid duplication with these regimes. The Environmental Protection Act 1990 in particular allows environmental health officers to require the abatement of a statutory nuisance. However, the licensing authority also notes that this regime is largely reactive, whereas licensing may be used to establish proactive controls, preventing a nuisance from reaching a statutory level in the first instance.
- 5.15. Where representations are made by a responsible authority with nuisance prevention obligations, advising that restrictions may be necessary to prevent a nuisance from arising, the licensing authority will consider the imposition of conditions or the modification of operating schedules as it considers necessary to promote this licensing objective.
- 5.16. Nuisance may arise directly as a result of licensable activities (for example, noise from music), or indirectly (noise from customers at the premises). Applicants and licence-holders are strongly encouraged to consider all possible sources of nuisance when compiling operating schedules, and to implement appropriate measures for the promotion of this objective. For many types of nuisance, this process will begin in the initial design stages prior to the construction or redevelopment of premises. The Council's Regulatory Services officers may be consulted for informal advice, prior to the making of a licence application, on proposed measures likely to reduce or prevent the likelihood of public nuisance arising from the operation of licensed premises.
- 5.17. The licensing authority will have regard to best practice guidance when considering this licensing objective, including but not limited to:¹
- Guidelines on Community Noise (World Health Organisation)
 - Effective Management of Noise from Licensed Premises (British Beer and Pub Association)
 - Code of Practice on Environmental Noise Control at Concerts (Noise Council)
- 5.18. Where premises which are the subject of licensing applications involving amplified musical entertainment beyond 11pm are in close proximity to residential properties, the licensing authority will require a comprehensive operating schedule listing measures that the applicant intends to implement to ensure the promotion of this licensing objective.

¹ See Annex B for links to these documents

5.19. The licensing authority will also pay close regard to premises in close proximity to residential property proposing or permitted to trade after 11pm, where the premises includes one or more external areas for use by customers (for example, beer gardens, external dining areas, or smoking areas), as use of such areas by customers has the potential to lead to a public nuisance if not closely controlled. Applicants are required to include measures within their operating schedule setting out how they intend to control the use of such areas, in order to promote this licensing objective.

Representations and Reviews

8.1. Where a right exists for a responsible authority or other person to make representations in respect of an application, any representation must be made in writing (whether by letter, fax or email), and must contain the name and address of the party making the representation, together with any relevant information to assist the licensing authority in determining their status. The grounds upon which the representation is made should also be clearly set out.

8.3. Representations may encompass a variety of views about an application, and may include comments or grounds which are supportive of an application, objecting to an application, or neutral about an application. The licensing authority will treat all relevant representations in the same manner, regardless of their stance.

8.4. The licensing authority must have reasonable grounds in order to take action to refuse, to revoke or to suspend a licence. This means that it will usually need to see evidence which substantiates the grounds cited in representations or review applications if it is to act upon those grounds. Speculative grounds which cannot be substantiated have previously been found by the courts to carry little weight in the decision-making process, and it is therefore likely that the licensing authority would be unable to take action of a type referred to above if such grounds are the only ones cited in respect of an application.

Applications

9.1. Every matter requiring determination by the licensing authority will be considered on its individual merits, and in doing so the authority shall have regard to this Statement, the Guidance, and the need to promote the licensing objectives. Where applicable, an evidentiary hearing will be conducted prior to the determination of the matter, in full accordance with Regulations made under the Act.

9.2. Many application types are subject to a statutory provision whereby they must be granted in the absence of relevant representations. In such cases, licences must be issued for the full range of licensable activities applied for, subject only to applicable mandatory conditions, and conditions which are consistent with measures set out by the applicant within their operating schedule.

9.3. Where the authority's discretion is engaged, following receipt of a relevant representation or an objection notice, or in the case of review or minor variation applications, the licensing authority will apply the considerations set out below.

9.4. Almost all of the decision-making powers under the Act require licensing authorities to take such action as they consider appropriate for the promotion of the licensing objectives. The Act was amended to substitute 'appropriate' for 'necessary', a move which may be regarded as having increased authorities discretion in respect of the determination of applications. The licensing

authority will now consider 'appropriate' in accordance with the standard dictionary definition: "suitable or proper in the circumstances".

- 9.5. The licensing authority strongly encourages dialogue between applicants (or licence-holders) and persons affected or concerned about proposals within a licence application. In many cases, such concerns can be resolved informally, without the need for a hearing. Where parties give their consent, the licensing authority may facilitate mediation between parties to a prospective hearing, to explore whether an informal resolution can be achieved.

Licence conditions

- 11.11. Where an objection notice is received in respect of a standard temporary event notice and neither is withdrawn, the licensing authority is obliged to conduct an evidentiary hearing into the proposed event and the objections raised by a responsible authority. At the end of the hearing, the authority must decide whether it is appropriate for the promotion of the licensing objectives to issue a counter-notice, which has the effect of cancelling the authorisation to carry on licensable activities conveyed by the temporary event notice.
- 11.14. If the licensing authority is of the opinion that an event should not proceed, it will issue a counter-notice.
- 11.15. The licensing authority understands that it has no other power to impose conditions on temporary event notices. Undertakings agreed between a premises user and a responsible authority to resolve objections to a notice are unenforceable, and are therefore discouraged.

National Guidance

- 7.28. If the licensing authority receives an objection notice from the police or EHA that is not withdrawn, it must (in the case of a standard TEN only) hold a hearing to consider the objection unless all parties agree that this is unnecessary. The licensing committee may decide to allow the licensable activities to go ahead as stated in the notice.Alternatively, it can decide that the event would undermine the licensing objectives and should not take place. In this case, the licensing authority must give a counter notice.