

APPENDIX A

Applicants name	Universal Event Productions Limited
Name and address of premises	Drive In Cinema Pendley Activity Meadow Cow Lane Tring Hertfordshire HP23 5QY
Ward	Tring East

1. Current Licence

1.1 This is an application for a new grant.

2. Application

2.1 The premises is a field adjacent to Pendley Manor which has been used previously for larger scale outdoor events.

Authorisation was initially sought for the following licensable activities between the period 10th July 2020 to 20th September 2020:

Provision of films - outdoors

Friday to Sunday 12:00 – 22:30

Provision of recorded music – outdoors

Friday to Sunday 12:00 – 22:30

Supply of alcohol – for consumption on the premises

Friday to Sunday – 12:00 – 22:30

Hours premises open to the public

Friday to Sunday – 12:00 – 23:00

A copy of the application is set out at Annex A.

A premises plan and map of the area are shown at Annexes B1 and B2 respectively.

3. Details of Representations

- 3.1 14 representations have been received during the consultation period, from residents living in the area. Following engagement with the Applicant, 3 of these objections were withdrawn. The representations received refer to concerns in respect of public nuisance and public safety. These are set out at Annexes C1 to C11.

A representation was received from Environment and Community Protection at Dacorum Borough Council, in respect of public nuisance concerns around the potential for noise nuisance arising from events, but this was withdrawn following engagement with the applicant.

- 3.2 Responses received from responsible authorities:

Police – no response

Fire Officer – no representations

Public Health – no representations

Planning – no representations

Environment and Community Protection – See paragraph 3.1.

Local Safeguarding Children Board – no response

Licensing Authority – no response

4. Observations

- 4.1 Relevant extracts from local policy and statutory guidance are set out at Annex D

Annex A Application for grant of premises licence

Licensing, Dacorum Borough Council, The Forum, Marlowes, Hemel Hempstead, HP1 1DN

Revised April 2017



Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I/We Universal Event Production Ltd
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/We are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Pendley Meadow Cow Lane Tring			
Post town	Tring, Hertfordshire	Post code	HP23 5QY 5NS

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

Part 2 – Applicant Details

Please state whether you are applying for a premises licence as:

Please tick ✓ as appropriate

- | | | |
|------|--|---|
| a) | an individual or individuals * | <input type="checkbox"/> please complete section (A) |
| b) | a person other than an individual * | |
| i. | as a limited company/limited liability partnership | <input checked="" type="checkbox"/> please complete section (B) |
| ii. | as a partnership (other than limited liability) | <input type="checkbox"/> please complete section (B) |
| iii. | as an unincorporated association or | <input type="checkbox"/> please complete section (B) |

- iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick ✓ yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - o statutory function or
 - o a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other title (for example, Rev.)			
Surname			
First names			
Date of birth	/ /	I am 18 years old or over	<input type="checkbox"/>
Nationality			
Current residential address if different from premises address			
Post town		Post code	
Daytime contact telephone number			
Email address (optional)			
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)			

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other title (for example, Rev.)			
Surname			
First names			
Date of birth		/ /	I am 18 years old or over <input type="checkbox"/> <small>Please tick ✓ yes</small>
Nationality			
Current residential address if different from premises address			
Post town		Post code	
Daytime contact telephone number			
Email address (optional)			
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)			

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name	Universal Event Production Ltd
Address	Unit 2 Beacon Court Pitstone Green Business park
Registered number (where applicable)	3683062
Description of applicant (for example, partnership, company, unincorporated association, etc.)	Ltd Company
Telephone number (if any)	01296 660006
Email address (optional)	

Part 3 – Operating Schedule

When do you want the premises licence to start?

D D M M Y Y Y Y
4 0 / 0 7 / 2 0 2 0

If you wish the licence to be valid only for a limited period when do you want it to end?

D D M M Y Y Y Y
2 0 / 0 9 / 2 0 2 0

Please give a general description of the premises (please read guidance note 1)

The Premises is a field adjacent to Pendley Manor that has previously been used for outdoor concerts. This application is for the purpose of Outdoor cinema events, either drive up or on foot, dependent on restrictions applied by legislation related to Corona Virus (COVID19)

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?
(Please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Please tick ✓ all that apply

Provision of regulated entertainment (please read guidance note 2)

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings <i>(please read guidance note 7)</i>			Will the performance of a play take place indoors or outdoors or both – please tick ✓ <i>(please read guidance note 3)</i>	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here <i>(please read guidance note 4)</i>	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for performing plays <i>(please read guidance note 5)</i>		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list <i>(please read guidance note 6)</i>		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick ✓ (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input checked="" type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Thur					
Fri	12.00	22.30	Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat	12.00	22.30			
Sun	12.00	22.30			

C

Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 5)
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick ✓ (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick ✓ (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick ✓ (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input checked="" type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Thur					
Fri	12.00	22.30	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat	12.00	22.30			
Sun	12.00	22.30			

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick ✓ (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings <i>(please read guidance note 7)</i>			Please give a description of the type of entertainment you will be providing	
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick ✓ <i>(please read guidance note 3)</i>	Indoors <input type="checkbox"/>
Mon				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue			Please give further details here <i>(please read guidance note 4)</i>	
Wed			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) <i>(please read guidance note 5)</i>	
Thur				
Fri			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list <i>(please read guidance note 6)</i>	
Sat				
Sun				

Late night refreshment Standard days and timings <i>(please read guidance note 7)</i>			Will the provision of late night refreshment take place indoors or outdoors or both – please tick ✓ <i>(please read guidance note 3)</i>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here <i>(please read guidance note 4)</i>		
Mon					
Tue			State any seasonal variations for the provision of late night refreshment <i>(please read guidance note 5)</i>		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list <i>(please read guidance note 6)</i>		
Fri					
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption: (Please tick box ✓) (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon					
Tue					
Wed					
Thur			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri	12.00	22.30			
Sat	12.00	22.30			
Sun	12.00	22.30			

State the name and details of the individual whom you wish to specify on the licence as premises supervisor:
(Please see declaration about the entitlement to work in the checklist at the end of the form)

Name	
Date of birth	/ /
Address	
Postcode	
Personal Licence number (if known)	
Issuing licensing authority (if known)	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9)

N/A

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon			Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)
Tue			
Wed			
Thur			
Fri	12.00	23.00	
Sat	12.00	23.00	
Sun	12.00	23.00	

M Describe the steps you intend to take to promote the four licensing objectives:

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

An Event Safety management plan, agreed by the relevant local authority and emergency services, will be in place for each event and be made available for inspection by the responsible authorities on reasonable request

A COVID 19 secure plan has been produced, with the event operating within the plan. This plan will be reviewed before every event and following any local or national changes.

Adherence to government guidance on COVID-19 and achieving COVID 19 secure levels

b) The prevention of crime and disorder

Liaison with Police Licensing team on event security plan
Ingress and dispersal plans in place for each event agreed by the local authority
Transport plan in place for all events as agreed by the SAG
The bar to have a personal licence holder present for sale of alcohol

c) Public safety

Each event shall have a nominated Event Manager and a nominated infection mitigation Coordinator who will be onsite during the event
Event Safety Management and Risk assessments undertaken for each event
On sale drinks sold in plastic or recyclable vessels when regulations allow
For each event First Aid Cover and facilities appropriate to the event will be provided.

A COVID -19 Secure Plan has been produced, with the event operating within the plan. This plan will be reviewed before every event and following any local or national changes.

d) The prevention of public nuisance

Noise Management plan produced for each event.
The Licence holder shall, by publication online, leaflets, advertisement and/or any other reasonable means, that all persons who it is reasonably foreseeable may be affected by an event have access to the phone number and email address to make a complaint.
a) these shall be monitored at all times during an event
b) The Licence holder will maintain a written log of all complaints. The log shall be made available to any local authority officer or Police officer on request.

There shall be frequent litter collections undertaken to ensure that empty containers do not accumulate in or around the licensed area.

e) The protection of children from harm

Challenge 25 on all Alcohol sales
Nominated Child protection officer for the event
Film Classification to be known pre event and adhered to onsite admissions.
Child and Vulnerable adult Policy in place as per ESMP
No entertainment of an adult nature shall take place at the premises

Please tick ✓ to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- *[Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships]*
I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service
(please read note 15).

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

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 12). If signing on behalf of the applicant please state in what capacity.

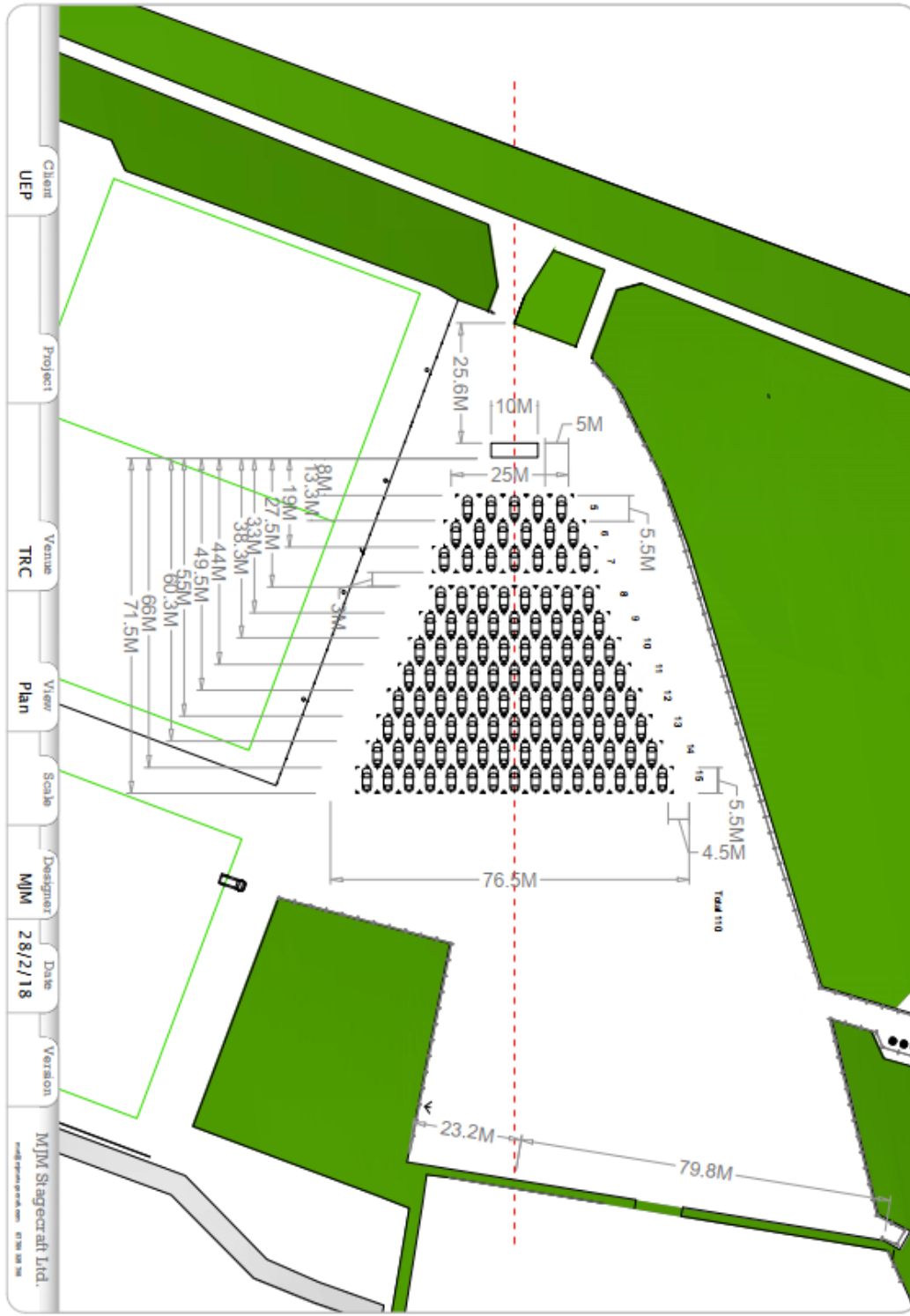
Declaration	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15).
Signature	<i>S.G. Butcher</i>
Date	04/06/2020
Capacity	Under 600

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant please state in what capacity.

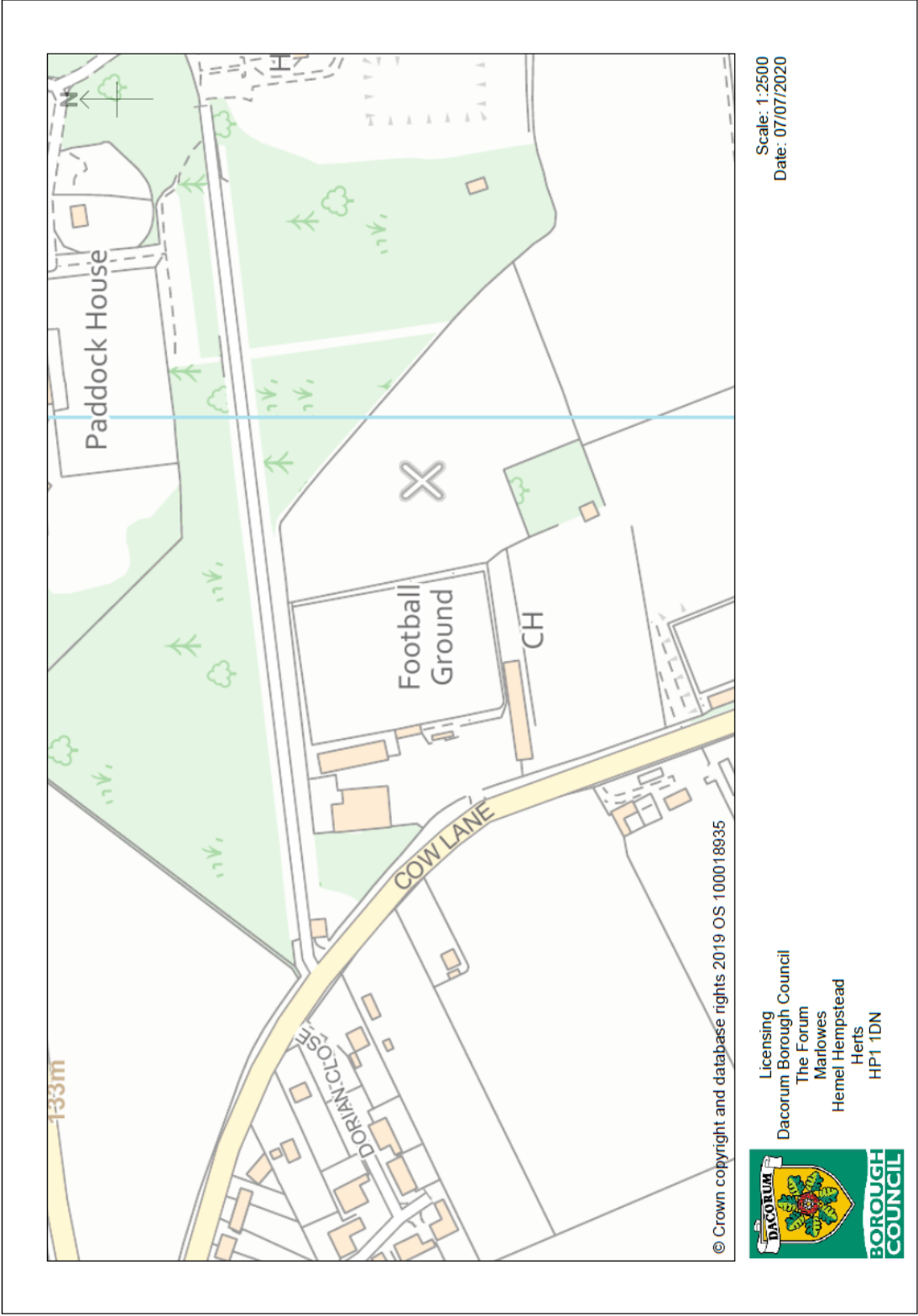
Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application. (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by email your email address (optional)			

**Annex B1
Premises plan**



**Annex B2
Map of area**



**Annex C – Representations received
Annex C1**

From:

Sent: 01 July 2020 17:36

To: Licensing Mailbox <Licensing@dacorum.gov.uk>

Subject: Ref. M050926 LA2003 s.17: Premises Licence application 5 June

With reference to the above licence application for a drive up cinema at Pendley Manor Tring to be run by the Chilfest organisers. As a resident at Dorian Close off Cow lane, Tring I am extremely concerned about the application and the fact that as a resident located so close to where this event is due to take place neither I, nor any neighbours have been consulted on this, apparently as it 'would have no impact on residents'!!!! I am informed that they intend to commence this event after 4th July - I heard about it on 1st July. Surely this is unacceptable.

I understand there is a potential for some 400 visitors to the cinema so this will certainly have an impact on the small community around Pendley and the entrance on Cow Lane.

I have the following very strong objections to this event.

1. The current **Covid** crisis is not over - we have seen a number of spikes in areas around the country with Leicester being locked down for a period. Are we to accept 3 days a week for the next 3 months 400 people attending an event in the small town of Tring - people from I assume a wide spread area, particularly as the event becomes well known, coming together in a small area where social distancing will be difficult to control? I am extremely concerned about this and am happy to garner as much publicity as possible about the potential for virus spread. Are the local authority prepared to accept this?
2. **Public Safety.** The residents in Cow lane and Dorian Close already have to put up with traffic issues most weekends due to the sports fields, rugby and football clubs. We regularly see cars parked on pavements, grass verges etc. Despite previous complaints this continues. If this event goes ahead this will merely add to this problem and mean that the problem and subsequent danger last for a much longer period. In effect the risk of a traffic accident will increase three fold. We were prepared to put up with a few days of the chilliest were traffic was at least marshalled - I understand this won't be the case for the cinema. With cars parked as they are pedestrians are left to walk on the road (is this safe and acceptable?) and when leaving Dorian Close the view to see oncoming traffic is extremely limited. Should a serious accident occur who will take responsibility for this - the local authority? The organisers? We have elderly residents in Dorian Close who drive vehicles so why should we put them in danger every time they go to drive out of Dorian Close over every weekend of the summer? As a Safety professional for some 30 years, someone who has dealt with serious and fatal accidents in the workplace and has advised various organisations, working with the HSE in a number of instances I believe this risk is unacceptable.
3. **Protection of children from harm.** As with the above, children will be forced to walk on the road of Cow Lane should traffic be parked along here, as is the experience during most weekends when events occur on the sports fields. Why should the residents have to put up with this not only for part of the day over weekends, but if this goes ahead every afternoon and evening.
4. **Prevention of Public Nuisance.** As yet we do not know if we will be able to hear the sound of the cinema, however if past events are anything to go by we will. Again whilst accepting (and indeed supporting very strongly) one weekend a year of chillfest, and a number of evening/night events at the rugby club which we can clearly hear and causes issues- why should the residents have to listen to the sound of films every weekend evening and possibly afternoon for some 3 months in the summer. So every weekend will be interrupted by traffic and noise - this is clearly totally unacceptable and something (if the sound can be heard) I

would take legal action over. Has anyone asked about the environmental noise impact? I would like to have details before any event takes place.

5. **Prevention of crime and disorder.** I am greatly concerned that we will have 400 people 3 nights a week for every weekend throughout the summer, no doubt some having had some alcohol, coming from outside Tring and surrounding area, potentially causing issues, and indeed being able to 'get to know' the surrounding environment. This is cause for real genuine concern. How will the police deal with this?

We greatly support our community, and local businesses, shopping locally wherever we can and accepting and supporting some events such as chillfest, the rugby and soccer clubs etc. However this is a step far too far with no thought of the impact on the local community - not even discussing with the residents close to Pendley Manor (was this an attempt to completely ignore them?). I also believe that the event taking place on a regular basis will have an impact on policing in the area, something they could do without.

I hope and trust you will consider my concerns. I look forward to your reply

Kind Regards

From:

Sent: 03 July 2020 09:30

To: Sally McDonald <Sally.Mcdonald@dacorum.gov.uk>

Subject: Re: Ref. M050926 LA2003 s.17: Premises Licence application 5 June

Dear Ms McDonald. I would like to add an element to my objection to this license being granted. Mr Butcher has informed me that doors to the event would be open only 18.00 - 22.30. That is not what is in the license application which clearly states for films, recorded music and alcohol provision from Friday to Sunday 12 until 22.30 and doors closing at 23.00.

I am very concerned that we and as a result the council are being misled. I am concerned that this event if given the go ahead will creep to longer hours. I am concerned that the applicant has in effect admitted in his response below that there will be some noise disturbance (he states that they are confident this will be minimal, but there will be some, and being confident is definitely no guarantee - of course he is confident as he is applying for the license).

I am confident, no I am sure that from past experience, including an open air cinema event last year at the same venue that we will hear sound/noise. For us to have to put up with that for 3 days & evenings every week for 3 months is frankly outrageous. Doors closing at 23.00 will mean that people many likely to be drunk will be leaving after 23.00 causing disturbance to a peaceful country setting. I am sure the neighbours of the applicant would find this unacceptable in the vicinity of their homes.

I trust that you will take the above into consideration and ensure you give the matter serious consideration.

Kind Regards

From:
Sent: 02 July 2020 12:04
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Subject: Planning application

Application ref. M050926
LA2003s.17: premises

I would like to register my objection to the above premises licence on the basis of public nuisance and safety.

The open air cinema will attract many people from a wide area and the increase in traffic, traffic noise and noise from the cinema will impact the local residents. There appears to be no restriction in the application regarding the number of people who will be able to attend. For safety reasons surely there should be a restriction. The noise from the cinema/recorded music will affect us. In the past the music and address system from Chilfest was always heard by residents. This will definitely be public nuisance. 12.00-22.30, Friday, Saturday and Sunday during summer months is a long period of time for residents to endure additional people, traffic and noise in this semi-rural area. The cinema will not be able to show films during daylight so why has this long period been applied for? People going in at 12.00 noon will be able to consume alcohol from this time until 22.30 which is bound to result in unruly behaviour. Will toilets be provided? I foresee the woods in Pendley, the entrance to Dorian Close and Cow Lane will be used as toilets by those returning home on foot as happened at Chilfest. Does this constitute public nuisance or safety?

With regard to parking, already the local residents put up with parking on pavements and bends during weekends over the rugby and football season. It is extremely difficult to exit Dorian Close during these times and it would not be fair to endure similar during summer months as well. Definitely a safety issue. One has to walk in the road because cars are parked practically the length of Cow Lane. The increase in litter is noticeable during the rugby and football season and I frequently walk up Cow Lane collecting plastic bottles. Should we put up with this during the summer months too? Does this constitute public nuisance or safety? Definitely unpleasant for the residents.

I would hope that good toilet facilities would be provided otherwise I can imagine the woods at Pendley and Cow Lane will be used especially by those returning home on foot. A nuisance and a health safety issue.

During the autumn and winter weekends Cow Lane is often clogged with cars belonging to those attending rugby and football events. It is difficult and often unsafe to drive out of Dorian Close during these periods and impossible to walk on the pavement due to parked cars. It would be a nuisance and also a safety issue if cars were to park in Cow Lane, 12.00-23.00 Friday-Sunday during the summer.

All in all the application appears to be too broad and open to abuse.

From:
Sent: 02 July 2020 13:15
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Subject: Subject: RE: Ref. M050926 LA2003 s.17: Premises Licence application 5 June

Dear Sir/ Madam

I am writing to object to the application to have an open air cinema at Pendley Activity Meadow.

Firstly I am concerned at the parking arrangements which have not been made known. Although the application is for "Drive In" entrance by foot also would suggest that entrants may park elsewhere. Parking along Cow Lane is a hazard for all who use it by foot, bike or car. We tolerate the traffic for sporting events and The Chill Fest for the good of the community as a whole. However I believe the events proposed will have a negative impact on safety as well as leading to the deterioration of grass verges as cars, parked there regularly, destroy them.

The noise is a concern. I'm assuming this is not a silent cinema where headphones are provided to those attending? This is an infringement on the environment of the local community.

It is a great imposition on the local residents to licence an event from 12 noon to 1030pm, 3 nights every weekend. We have endured the Chill fest as a limited event, along with the influx of people who have parked along Cow Lane, dropped litter and used the entrance to our Close as a toilet (including defecation!).

Many of the residents along Cow Lane are on the 70+ age group. This event brings an added anxiety of keeping them prisoner in their homes for a large portion on the weekend during the summer. It has been proven that it is virtually impossible to ensure social distancing at large events.

This is an opportunistic application which is ill thought out and will bring misery to local residents.

If the applicant could ensure that entry/exit to the event was by Station Road only, with cones and notices placed along Cow Lane to prevent hap-hazard parking AND that it would be staged as a 'silent' Cinema with wireless headsets provided then there could be less grounds to object on.

I hope you will give serious consideration to my concerns. We have put up with events in the past but this is a step too far.

Yours Sincerely

From:

Sent: 02 July 2020 13:55

To: Licensing Mailbox <Licensing@dacorum.gov.uk>

Subject: RE: M050926 LA2003 s.17: Premises licence - New licence application 5 June 2020

Dear Sirs

We are residents at Dorian Close, Tring. We live about 300 to 400 metres from Pendley Meadow where the Drive In Film Cinema is being held.

The observations that we make are meant to be constructive. We accept that this is a well meant and charitable activity that we are keen to support. We are not convinced that it has been very well thought out and feel that it has the potential to do more harm than good!

With regard to Public Safety. The meadow backs directly on to playing fields that are used by Tring RUFC and by Tring Town FC. Both clubs enjoy considerable local support and both run sessions for young people at weekends. As a result of this parking in Cow Lane at weekends in normal times can be chaotic. We are not exaggerating when we claim that vehicles are parked in almost every spare slot. The rule for not parking on pavements is ignored as is the guidance not to park on bends. Driving out of Dorian Close at these times can be hazardous. This has gone on for years but the vast majority of local residents turn a blind eye to it as we recognise that the activities taking place are desirable and should be encouraged.

We understand that the organisers are claiming that traffic for the cinema will only access the activity via the Station Road entrance and that parking will take place in the grounds of Pendley Hotel. The Cow Lane entrance is significantly closer to the meadow than the hotel parking. When activities recommence after the lockdown and Pendley Manor Hotel gets back to normal operations at weekends their car park often gets full as it is a venue for weddings and conferences.

With regard to Prevention of Public Nuisance. The activity is described as a Drive In Cinema. Open with live music from 12:00 noon to 10.30pm Friday, Saturday and Sunday. Thirty one and a half hours per week. With a license to serve alcohol.

Are the organisers seriously suggesting that people are going to sit outside watching movies for this length of time? Does this have the potential to become a location for 'raves'?

Surely it cannot be right to allow loud music to be played for this long for three days every weekend?

Finally we apologise for being so late make these comments to you. We were not aware that this activity was planned until our neighbour brought it to our attention yesterday.

From:

Sent: 02 July 2020 16:22

To: Licensing Mailbox <Licensing@dacorum.gov.uk>

Subject: Objection to Licence application M050926 Drive In Cinema, Pendley.

Application ref. no: M050926 Application type: LA2003 s.17: Premises licence - New licence application Date received: 5 June 2020 Premises name: Drive In Cinema Premises address: Pendley Activity Meadow Cow Lane Tring Hertfordshire HP23 5NS

We object to the granting of this licence because of noise, traffic and the opportunity for alcohol related anti-social behaviour that we have seen recently (Aldbury) and over time in the area. We are concerned about the number of performances and the extended period of time over which they are planned to take place.

The following details some of our concerns and how they might be mitigated through conditions attached to the licence:

There should be no vehicular access from Cow Lane but just from Station Road as promised by Mr. Butcher of Chilfest. This will limit noise and traffic nuisance to residents.

Parking should not be on Cow Lane but must be on site - as promised by Mr Butcher. This will limit noise and traffic nuisance to residents.

Recorded music should be at a background level and not be at a performance level like the existing Chilfest festival or disco/club. This will limit the noise nuisance.

Loudspeakers and auditorium should be arranged to minimise sound nuisance and high power sound effects should not be used (as they are used in the cinema).

Entrance should only be allowed at an appropriate time before film showing to limit the period of noise and so as not to create an opportunity for excessive alcohol consumption. When the film performance is over there should be no further music played or alcohol served so that the entertainment terminates promptly so as to limit the period of noise and does not facilitate rowdy behaviour and the damage that we see on occasion on Cow Lane and Station Road.

There should be a limit on the number of tickets sold for each performance and the number of performances. The initial expectation of Mr Butcher is for about 400 attendees at each performance or 2,400 attendees *per week* at 2 performances per day for three days each week. This means that the venue is intended to attract audiences from well beyond Tring and, if successful, numbers could be very much larger attracted as intended through social media and the events could therefore be much more intrusive and difficult to control.

LA2003 s.17: Premises licence

New licence application by Universal Event Production Limited for the provision of outdoor cinema events, either drive up, or on foot.

Scope of Licence:

Recorded Music may be played outdoors and alcohol served on Fridays, Saturdays and Sundays from 12:00 until 22:30.

There are no specific dates or even a date range for these events.

Ticket holders may arrive in cars or on foot.

There is no stated limit on the number of people attending these events.

Summary:

This Licence provides for an unspecified number of people to attend events lasting for over 30 hours per week for an indefinite period.

Our objection here is that the scope of the Licence applied for is too wide and will allow the applicant to hold events from lunchtime to late evening on the permitted days. There is no limit set on the number of attendees. There is no limit on the length of this Licence.

The applicant, Steve Butcher, told me (LH) in a phone call that the events would be small, around 400 people, and once each permitted day. If that is the intention then the Licence should be reframed to reflect this. The fact that the application is liberal suggests that leeway has been built in to widen the scope, timing and extent of the events, which makes the objections below even more relevant.

Prevention of crime and disorder:

This section of the Licence application states that:

- Ingress and dispersal plans in place for each event agreed by the local authority.

- Transport plan in place for all events as agreed by the SAG.

1. As local residents we have not been directly informed of any of the above measures so have no idea whether they will mitigate our objections or not.

2. When I (LH) raised the issue of car parking with Steve Butcher (Universal Event Production Limited) he seemed to say that no special measures would be in place to control cars and car parking on Cow Lane.

3. If Cow Lane will be used for entering or exiting the Activity Meadow during these events, an additional several hundred cars would increase traffic noise and pollution and decrease safety for residents in Cow Lane.

4. As the Licence allows for visitors on foot, it is possible that Cow Lane will be used for car parking. The issue of car parking is of special concern to residents on this road, given the chaotic parking when rugby or football matches are held. Although people may walk from Tring town centre, in our experience many drive their cars to the playing fields and park on Cow Lane.

On some of these days the entire length of Cow Lane is full of parked cars, some park on the road, lots park on the footpath, restricting pedestrian access and on occasions causing them to walk in the road. Typically, cars park right up to the entrance to Dorian Close restricting the sight line up and down Cow Lane when exiting Dorian Close. Much of Cow Lane is reduced to a single lane for long stretches which has caused aggressive confrontations between motorists.

Prevention of public nuisance

This section of the Licence application states that:

- Noise Management plan produced for each event.

- There shall be frequent litter collections undertaken to ensure that empty containers do not accumulate in or around the licensed area.

1. Recorded music broadcast to several hundred visitors will, by definition, cause some additional noise to those residents near the location.

2. The broadcasting of music for potentially 30 hours over three days per week all summer and into autumn could easily become a public nuisance to local residents.

3. Can any Noise Management plan mitigate this aural pollution whilst simultaneously playing music loud enough for people watching the cinema outdoors? Indoor cinemas often play soundtracks at high volume to add atmosphere and most people will expect this to continue outdoors, necessitating an increase in volume to achieve the same effect.

4. The litter plan seems only to focus on the activity field itself. If visitors are to be allowed to walk home via Cow Lane, past experience tells us that there will be litter left there too.

If this Licence was for a single event, even over a couple of days, we would not feel so strongly. We have to cope with Chilfest but that is just one event per year and well managed although noisy.

In summary, we object to the scope of the Licence which will permit the organiser considerable leeway to increase the number and extent of these events; to the disruption caused by the extra car drivers and pedestrians using Cow Lane for access or parking and to (potentially) being forced to hear loud broadcast music over many weekends during the summer.

Annex C7

From:
Sent: 02 July 2020 19:14
To: licensing@dacorum.gov.uk <licensing@dacorum.gov.uk>
Subject: M050926

Drive In Cinema Premises address: Pendley Activity Meadow Cow Lane Tring Hertfordshire HP23 5NS

resident in Cow Lane 34 years.

I must strongly object to any more activities in this area. We already have many functions at the football, rugby and squash clubs. Not to mention Chilfest and of course in the Summer the Shakespear festival.

The field in question has no facilities. Toilets and parking will be an issue.

Late night drunkenness of course will be a problem.

No police presence in the area in the day let alone night time.

The road Cow lane is a racetrack 24/7 and already very busy with many accidents at the junctions of London Road and Station Road.

If people need a cinema there are many screens at HH and Aylesbury and the specialist cinema in Berkhamstead.

I object as so does my elderly 90 year old neighbour ***** in ***** next door.

Regards

From
Sent: 02 July 2020 20:28
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Subject: Re: M050926

Studying the licence further.

A drive in cinema with alcohol consumption.

Not a good idea to encourage drinking and driving.

Apart from the noise and disturbances the possibility of even more drivers under the influence.....not good.

Regards

From:
Sent: 02 July 2020 20:49
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Subject: M050926 - Drive In Cinema

Dear Sir/Madam

As residents of Cow Lane, living less than 500m from Pendley activity meadow, we are concerned about the application for a grant of premises for the drive-in / walk-up cinema.

Our concerns centre around the frequency of events, the duration of the event and car parking arrangements:

Frequency: four events every Friday, Saturday and twice on a Sunday on a quiet residential road, with alcohol on sale from midday until 10.30pm.

Duration: we are accustomed to events taking place both at the hotel (wedding fairs, Shakespeare festival) and in the activity meadow (Chilfest), but every weekend for three months is a step change in the proposed use of the meadow and impact it will have on local residents.

Events at Pendley generally cause a significant increase in litter from those walking to the events, noise levels from people walking home, late, and usually drunk, and in parked cars on Cow Lane. For big events like Chilfest, Mr Butcher has always managed the road (partial closures with resident passes) and the car parking. For these events, we are concerned that people will not make use of the car park on site, but instead park on Cow Lane to avoid delay afterwards. Rugby and football events have caused problems with traffic flow, inconsiderate parking and residents having access to their houses, but this is occasional. Mr Butcher's events are every weekend for three months.

We are also surprised that Mr Butcher has not been in touch with residents about the event at all. In the past, he has put letters through residents' doors.

Thank you for considering our concerns.

Yours sincerely

From:

Sent: 03 July 2020 10:41

To: Licensing Mailbox <Licensing@dacorum.gov.uk>

Subject: Application Reference MO50926

I was horrified to read Application MO50926. I live at *****, Station Road, Tring *****. The house is located the other side of Pendley Manor drive in effect next to the field where it is proposed to hold the drive in cinema events. For a number of years we have suffered from the Chilfest concert when the noise was so loud we could not hear our television or have a proper conversation even with the doors and windows closed at a time we should have been able to sit outside in peace and quiet which is our right. Our dogs were also badly affected. We complained many times which your records should show. On at least one occasion people who may have had too much to drink climbed over fencing into our property.

The application suggests that every weekend Friday to Sunday 12.00 to 22.30 we will be subject to music and other noise which nobody in this world would find acceptable. It would have a serious impact on the health and mental health of those in my household and the wellbeing of our animals. As an example I myself am undergoing a long term recovery from a major cancer related operation with sleep, from usually from 20.30 being very important. In addition to all that not being able to sit outside in our garden without intrusive noise apart from the impact on us will trigger a large drop in the value of our property.

I strongly object to this proposal/ application and if it gets approval I will contest the decision by every means at my disposal

From:
Sent: 03 July 2020 14:31
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Subject: Licensing application

Application ref. no: **M050926**
Application type: **LA2003 s.17: Premises licence - New licence application**

Premises name: **Drive In Cinema**
Premises address: **Pendley Activity Meadow**
Cow Lane
Tring
Hertfordshire
HP23 5NS

Dear sir

We are writing in relation to the licensing application above. We are residents located at ** Dorian Close, Tring near to the site in question. The representation we are making relates principally to the issue of **preventing public nuisance**

1. On Saturday and Sunday each week there is a particularly big problem with excessive car parking along Cow Lane related to Tring Rugby Clun and Tring Athletic FC. This is never properly controlled by the clubs, police or local authority and causes considerable difficulty for Residents and other vehicles and pedestrians using Cow Lane. An additional event or events as proposed in the afternoon up to 6 p.m. would considerably worsen this problem.
2. The requested time span on each day is very long from 12.00 until 22.30 each day. It is understood from conversations with the organiser that the events will not start until 6 p.m. The time allowed in the licence should be limited to 18.00. to 22.30 each day in order to minimise effect of noise in the surrounding area.
3. The proposal does not have an end date and if granted as proposed could run permanently. It is therefore requested that an end date should be set for the licence if granted. It is suggested that this should be September 1st 2020.

4 The purpose of this representation is therefore to request that the licence be limited to the hours of 18.00 to 22.30 on Friday to Sunday and for a limited period until September 1st 2020.

From:
Sent: 03 July 2020 14:42
To: Licensing Mailbox <Licensing@dacorum.gov.uk>
Subject: MO50926 - Drive in Cinema

I have only recently become aware of the above application.

I understand from the paperwork that it has been submitted by Universal Event Production Limited who, I believe, organise and run Chilfest.

We have always enjoyed good relations with the Chilfest people and I hope that can continue for they provide a service to the community, but in a very organised, closely controlled, limited timeframe manner. It is the finality to Chilfest which makes it acceptable to my wife and I and allows us to live with the noise over the weekend in question.

I am no expert in licensing applications but I do want to raise our concerns about:-

1. The ongoing nature of the proposal with the potential to cover three days on a weekly basis
2. The proposal that a drinks license be granted from **Noon** to 22.30 to support a film event starting at 18.00!
3. Real concerns about anti-social car parking on Cow Lane. It is a bad enough problem when the sports fields are in use without adding to the issue.

There are, therefore, two major concerns:-

1. Public safety if cars are allowed to park on Cow Lane. How can they be stopped; there are no yellow lines?
2. Public nuisance, if drinking is allowed for the period proposed

As we say, Chilfest is well run but even that event has seen examples of anti-social behaviour as people leave the event, begin to walk back to Tring and realise there are no toilets for quite a way!

There is very considerable Steward presence during Chilfest but will that will be the same for these events and will it embrace Cow Lane. Will there be police presence or involvement?

Licensing laws are not my area of expertise. I can fully understand that the Applicant wants as broad an agreement as feasible. I am sure you will understand that we would prefer a blanket refusal for such a concept but, even where it to go ahead, I believe it would need a much more tightly applied approval process with much shorter licensing hours and a reduction in the number of days the event can be run per week.

Also, as it is an outside event, I would ask that it have an end date after which film shows for 2020 would cease.

Thank you

Annex D

Local policy considerations and National Guidance

LOCAL POLICY

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).

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.

5.16. 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.

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.

9.3. 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.

9.6. When considering applications for a new licence, or a variation of an existing licence, the options available to the authority will generally include: granting the application as applied for, granting the application with amendments to the operating schedule or additional conditions, or refusing the application. The last of these options is clearly the most serious, and the authority will only look to refuse applications where it is satisfied that the proposed activities could not be carried on, even with modifications or additional restrictions, without a detrimental effect to the licensing objectives.

9.7. The options available when considering premises licence or club premises certificate applications will include the restriction of licensed hours or the imposition of additional conditions, which may be considered appropriate for the promotion of the licensing objectives.

Licensing hours

10.4. The licensing authority expects that issues relating to licensing hours, and in particular measures to limit the potential for nuisance or disorder arising from later hours of trading, will be addressed by the applicant in their operating schedule.

10.5. In addition to their licensable activities, applicants are also expected to set out the proposed opening hours of their premises within their operating schedule. The licensing authority expects these times to be provided for all premises which may be accessed by members of the public, as these will inform the authority, responsible authorities and other persons of the full extent of the operation of the premises, and allow all parties to consider the application and the effect on the licensing objectives fully. The hours given should include all times when the premises may trade to the public (whether licensable activities are being provided or not), when individuals may be present on the premises.

10.8. The licensing authority will deal with the issue of licensing hours on the individual merits of each application. However, when issuing a licence, stricter

conditions are more likely to be considered appropriate for the promotion of the public nuisance objective in the case of premises that are situated in predominantly residential areas.

Licence conditions

11.1. The licensing authority will seek to avoid imposing disproportionate conditions on premises. It will only impose conditions that it considers appropriate in order to promote the licensing objectives, and which are in themselves reasonable and proportionate.

11.2. Additionally, we will seek to ensure that conditions only pertain to matters which are within the direct control or the sphere of influence of the licence-holder.

Film Classifications

20.1. Premises which are licensed for the exhibition of films are required by a mandatory licence condition to restrict admission to screenings in accordance with any age recommendation made by a film classification body, or by the licensing authority. Where recommendations have been made by both bodies, and the licensing authority has notified licence-holders of this, the licensing authority's recommendation will take precedence.

20.2. For the purposes of sections 20 and 74 of the Act, the licensing authority recognises the British Board of Film Classification (BBFC) as the film classification body, and will specify this body within the licences and certificates it issues.

20.3. The licensing authority views as good practice the inclusion within publicity materials of age-related admission restrictions arising from recommendations made by the BBFC or licensing authority. In any event, licence-holders must take appropriate measures to verify the age of persons being admitted to films which are subjected to age restrictions.

20.4. Details of the applicable recommendation in respect of a particular film should be exhibited prior to the commencement of that film. In the case of a BBFC recommendation this may be displayed on screen for at least 5 seconds prior to the feature. Details of a licensing authority recommendation should be displayed at or near the entrance to the screening.

Outdoor events

21.1. The licensing authority recognises the contribution that well-run outdoor events bring to local communities, and is pleased to support events which are run in a manner that will promote the licensing objectives.

21.2. The organisation of outdoor events of any size is a significant undertaking, with a multitude of issues which must be taken into account. Licensing is only one aspect of the regulation and control of such events.

21.7. One of the major concerns arising from outdoor events is disturbance to local residents from noise associated with music entertainment at the event, or other noisy equipment such as generators, public announcement systems, fireworks, and so on. The licensing authority will expect to receive a comprehensive operating schedule from licence applicants, containing appropriate proposals to control such issues and promote the public nuisance licensing objective.

Other relevant considerations

22.1. Licensed premises are subject to many statutory requirements including fire safety, trading standards, food hygiene, health and safety, and planning. These different regulatory systems will be properly separated as described in the Guidance.

Live music, dance and theatre

22.6. The licensing authority will monitor the impact of its licensing decisions on the provision of regulated entertainment within the Borough, and particularly live music, dancing and plays.

22.7. Many events which consist solely of these activities will now fall outside of licensing requirements, following recent deregulation.

22.8. The licensing authority is aware of the Covenant on Economic, Social and Cultural Rights and the requirements of Article 15 which require that progressive measures be taken to ensure that everyone can participate in the cultural life of the community and enjoy the arts. Care will be taken to ensure that only appropriate, proportionate and reasonable licensing conditions impose any restriction on these events.

22.9. Account will be taken of the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community as a whole. If representations are made concerning the potential for limited disturbance in a particular neighbourhood, the licensing authority's consideration will be balanced against the wider benefits to the community of these activities.

22.10. When attaching conditions the licensing authority will generally seek to avoid measures which might deter live music, dancing or theatre by imposing indirect costs of a substantial nature. However the licensing authority notes that on occasion it may have no choice but to impose such requirements in order to safeguard the licensing objectives – for example, requiring the installation of safety equipment to ensure the safety of persons attending an entertainment performance.

Fire safety

25.1. The primary legislation in respect of fire safety in commercial premises is the Regulatory Reform (Fire Safety) Order 2005, which is enforced by fire and rescue authorities.

25.2. The licensing authority will seek to avoid duplication with this regulatory regime when exercising its licensing powers. In particular, we will not seek to attach conditions to licences and certificates which duplicate requirements under the Order, nor will we impose conditions which limit capacity within a licensed premises on fire safety grounds, although we may continue to set capacity limits if this is considered appropriate on another public safety ground.

25.3. The licensing authority expects all premises licence and club premises certificate holders to adhere fully to the requirements of the Order, in particular with regard to ensuring that a suitable fire risk assessment has been undertaken and any applicable measures implemented. We will work closely with Hertfordshire Fire & Rescue Service in this respect, as failure to fully adhere to fire safety legislation may

be indicative of a more systemic management failure to promote the licensing objectives.

25.4. The fire and rescue authority is a responsible authority and can make representations on licensing applications. It can, however, only make representations which relate to one or more of the licensing objectives, and not solely based on a failure to adhere to fire safety legislative requirements.

Planning and building control

26.1. The planning and licensing regimes involve the consideration of different (albeit partly-related) matters. For instance licensing considers public nuisance whereas planning considers amenity. Licensing applications should not be a re-run of the planning application and should not cut across decisions taken by the Council's Development Control Committee – the licensing authority is not bound by the decisions made by the planning authority, and vice versa.

26.3. Premises operating in breach of either their planning or licensing permissions would be liable to enforcement action under the applicable legislation.

26.4. The planning, building control and licensing regimes of the licensing authority will be properly separated to avoid duplication. Normally applications for premises licences for permanent commercial premises will be from businesses with planning consent for the premises concerned. However, applications for licences may be made before any relevant planning permission has been sought or granted by the planning authority, or simultaneously.

26.5. The planning authority is a responsible authority and can make representations on licensing applications. It can, however, only make representations which relate to one or more of the licensing objectives, and are not solely based on a failure to adhere to planning or building control legislative requirements

26.7. Planning remains the regime that is concerned with the development of premises and their overall use. Licensing is directed at individual licensable activities and their management. The granting of planning permission for a premises or a finding that premises enjoy lawful use, will not prevent the licensing authority from considering in detail the licensable activities, their management and conditions appropriate to them.

26.8. The Council regards licensing as a key means of controlling nuisance and anti-social behaviour and part of the holistic approach to the management of the evening and night time economy.

STATUTORY GUIDANCE

Each application on its own merits

1.17 Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed

may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

Public safety

2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

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

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

2.9 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases.

Ensuring safe departure of those using the premises

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

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

Safe capacities

2.12 "Safe capacities" should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down

conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.

2.13 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of those premises should be.

Public Nuisance

2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.17 However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

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

2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in antisocial behaviour is accountable in their own right.

Conditions attached to Premises Licences

Proportionality

10.10 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. [.....] Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. [.....]. Licensing authorities should ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

Regulated Entertainment

16.6 As a result of deregulatory changes that have amended the 2003 Act, no licence is required for the following activities:

Recorded Music: no licence permission is required for:

- any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.

Licence conditions

Live music or recorded music

16.36 Any existing licence conditions (or conditions added on a determination of an application for a premises licence) which relate to live music or recorded music remain in place, but are suspended between the hours of 08.00 and 23.00 on the same day where the following conditions are met:

- at the time of the music entertainment, the premises are open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;
- if the music is amplified, it takes place before an audience of no more than 500 people; and
- the music takes place between 08.00 and 23.00 on the same day.

16.39 Chapter 9 of statutory guidance sets out how a licensing authority must determine applications for a new licence or to vary an existing premises licence. Licence conditions imposed for live or recorded music activities will only apply if the

activity meets the criteria of having more than 500 people present, and/or the activities are taking place between 23.00 and 08.00. 16.40 These conditions will, in effect, be suspended between 08.00 and 23.00 if a performance of live music or the playing of recorded music takes place before an audience of 500 people or fewer, but will remain on the face of the licence for when these activities may take place under other circumstances.