

Alcohol and Regulated Entertainment Sub-Committee
30 August 2023

WELWYN HATFIELD COUNCIL

Minutes of a meeting of the ALCOHOL AND REGULATED ENTERTAINMENT SUB-COMMITTEE held on Wednesday 30 August 2023 at 1.00 pm in the Council Chamber, Council Offices, The Campus, Welwyn Garden City, Herts, AL8 6AE

PRESENT: Councillors J.Cragg, J.Quinton and C.Watson

OFFICIALS N. Tupling, Licensing Technical Officer
PRESENT: R. Simpson, Senior Litigation Lawyer
C.Cade, Governance Services Manager
R. Misir, Democratic Services Officer

Relevant Authorities' Representation: A. Kettle-Stupka, Hertfordshire Constabulary
T. Vincent, Environmental Health Technical Officer

3. APPOINTMENT OF CHAIRMAN

It was proposed and seconded by Councillors J Quinton and C Watson and

RESOLVED:

That Councillor Julie Cragg be appointed Chair of the meeting.

4. DECLARATIONS OF INTERESTS BY MEMBERS

There were no declarations of interest.

5. APPLICATION FOR GRANT OF TEMPORARY EVENT NOTICE FOR TL29926 THE QUARRY, LAND AT THE END OF HEMPSHILL BROOK, ACCESS FROM NORTHAW ROAD EAST, CUFFLEY, HERTFORDSHIRE, EN6 4QZ

Introduction and Procedure

The purpose of the meeting was to consider an application for the grant of a Temporary Event Notice for TL29926 The Quarry, land at the end of Hempshill Brook, access from Northaw Road East, Cuffley, Hertfordshire, EN6 4QZ. The committee report contained a Temporary Event Notice for a Jungle Mayhem event with sale of alcohol and regulated entertainment on 16 September 2023, 10:00 – 23:00 for up to 499 people.

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The Licence Hearing was a result of the Licensing Authority receiving formal written relevant objections from the Environmental Health Team (Appendix C in the report) and Hertfordshire Police (Appendix D in the report) to the Temporary Event Notice within the 3 working day consultation period. The representations against the notice had been submitted under the Licensing Act 2003 on the statutory grounds of:

- Prevention of crime and disorder (Hertfordshire Police)
- Public safety (Hertfordshire Police)
- The prevention of public nuisance (Environmental Health)
- The protection of children from harm (Hertfordshire Police).

Documentary Evidence

The report of the Licensing Officer, the Temporary Event Notice application and supporting documents, along with written representations from the relevant authorities which had been previously circulated.

Report of the Licensing Officer

The Licensing Officer presented the report. The application was submitted by Mr Goutham Madhusoodhanan Menon for a Temporary Event Notice for a Jungle Mayhem event at TL29926 The Quarry, land at the end of Hempshill Brook, access from Northaw Road East, Cuffley, Hertfordshire, EN6 4QZ, with sale of alcohol and regulated entertainment on 16 September 2023, 10:00 – 23:00 for up to 499 people.

While the applicant had applied for the sale of alcohol and regulated entertainment between 10.00 am and 11.00 pm, he had stated in the Temporary Event Notice application form that live music was planned between 08:00 – 23:00.

The event site was a 25 acre space which included two fields separated by a fence with woodland running on top of the site. The event was to be held on a small grassland park surrounded by woods and farmland. The applicant intended to use 70% of the area, mainly to set up the stage and for stalls. There would be a small dancing floor. Parking spaces were available in Colesdale Farm. The applicant had said heavy surrounding systems would not be used and that a sound engineer would further control the system to avoid affecting the surroundings.

The event was organised by Psyclowns Limited, a company created by a group of graduates from India. The name of the event was Jungle Mayhem. The applicant had stated their aim was to connect like-minded people through music and build a community with harmony, with the intention of promoting Indian art and culture. It was intended that the event would bring together people and communities who shared a mutual passion for live electronic music. It would showcase live DJ sets that would explore different music genres including experimental trance, Indian trance and techno. The set up would be minimalist with a canopy-covered small stage that would include a small DJ booth. A full surround system and additional light systems would not be used in order to

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reduce noise nuisance; a light system with speakers would only be placed next to the DJ booth. The event was to be a night-long celebration of dance, music and people.

The premises user was in line with legislation by serving the Temporary Event Notice more than 10 working days before the planned event date. The Temporary Event Notice was reviewed and processed as valid by the Licensing Authority. The notice was sent to Hertfordshire Police and the Council's Environmental Health team.

The applicant had been notified of the hearing and the objections from Environmental Health and Hertfordshire Police. The Licensing Team had not received a response from the applicant to the representations or the hearing. The applicant had been served a notice of the hearing by email and recorded delivery and had been advised that the hearing would determine the Temporary Event Notice. The Licensing Act 2003 (Hearings) Regulations 2005 Regulation 20 states that if a party who was not so indicated failed to attend or be represented at a hearing, the authority can hold a hearing in their absence.

The sub-committee must have regard to the Temporary Event Notice served and the evidence before it. Therefore, the sub-committee was asked to determine the Temporary Event Notice and, having regard to the promotion of the licensing objectives, statute, guidance and policy, decide on the following courses of actions:

- a) Grant the Temporary Event Notice as served;
- b) With the agreement of the relevant persons and applicant, modify the Temporary Event Notice, including changing the details of parts of the premises to be used for the event, the description of the nature of the intended activities or their duration, or;
- c) Reject the Temporary Event Notice as served.

Representation from Environmental Health Team, Welwyn Borough Council

Terry Vincent addressed the sub-committee and made the following points:

- Environmental Health's objection was on the grounds of public nuisance.
- The issue of cumulative impact in relation to noise from amplified music was a factor in assessing nuisance and there was a need to consider the regularity with which the circumstances arose, how long they lasted for and the impact on residents. Within the locality of the proposed event was another event site which had a premises licence and was permitted to hold a set number of music events during any 12 month period. A lot of work had taken place to establish sufficient controls and mitigation measures to control noise.
- The location was particularly troublesome to try and minimise noise intrusion to residents. Amplified music played in the open air would travel and be heard by residents despite controls being put in place by the event organiser; music events by their nature would be sufficiently loud for audience enjoyment. In Mr

Vincent's professional opinion, there should be no further events with amplified music permitted on the location in order to prevent a nuisance occurring. This was not a reflection on the applicant; while an existing premises licence remained active for events within the same locality, additional music events within this area should not be permitted. Although there was a distance between the proposed event and the premises licenced area, there would be little if any difference in terms of residents hearing the music and the impact on them was likely to be very significant.

Representation from the Police, Welwyn Hatfield Constabulary

Alex Kettle-Stupka referenced his written representation regarding the Temporary Event Notice and addressed the sub-committee as follows:

- While he might make some reference to nearby premises and prior applications in the area, neither had any direct link to this proposed event aside from physical location and the rental of the land; the proposed event was separate and distinct. However such references were unavoidable because the problems faced by those applications were also applicable to the proposed event.
- On the issue of public safety, Temporary Event Notices were a quick and formal way to legalise licensable activities with minimal bureaucracy. The Council granted 200-300 Temporary Event Notices per year and Hertfordshire Police challenged around 1%; circa 50% of those were subsequently agreed through negotiation. Temporary Event Notices were usually for low-risk events with preestablished infrastructure (eg when pubs applied they had the scrutiny required of a premises licence, a professional landlord in charge and often a designated premises supervisor with appropriate training). Dance music festivals with hundreds of attendees were not low-risk events; family groups in attendance were rare and some intoxication was common. Such events should not avoid scrutiny and accountability given none of the usual informal safeguarding measures would be in place.
- Although a stated maximum of 499 people were to attend, the practical measures to ensure this was not exceeded by gate-crashers had not been identified; a venue nearby had attracted up to 6,000 attendees with a similar event and there was a risk people might turn up without tickets unless staff or physical security were in place to provide a deterrent.
- Were the event to take place under a Temporary Event Notice, it would not be possible to add conditions; in contrast, a neighbouring festival venue had over 30 conditions to ensure safety. Events with conditions often had a financial cost attached which was why they functioned best when made mandatory. There had been no reference to a management plan or any other mitigating measures and it was unknown if staff and stewards would be in attendance.
- On the issue of crime and disorder, many of the application's parameters were reasonable and not inherently high-risk for crime. However the licensable activities that were proposed were similar to those of a busy town centre pub; with 499 people in attendance this would be equivalent

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to the largest pub in Welwyn and Hatfield with music and alcohol for sale but without the requirement for a professional landlord, designated premises supervisor, fire safety assessment, CCTV etc. SIA staff were often used in pubs to mitigate risk and their numbers were set by conditions on the premises licence whereas the applicant for the proposed event would not have such an obligation.

- The advertised hours for the event stated there would be dancing until dawn starting at 10:00 pm on the Saturday and concluding at midnight on the Sunday which was equivalent to over 24 hours. This raised doubt as to whether the hours applied for would be respected.
- One of the leading causes of death at such events was drug use so staunch drug policies including entry searches should be a requirement, as festivals were tempting events for drug dealers due to potential sales.
- On the issue of the protection of children from harm, while the applicant intended the event to be only for over-18s it was unclear how this would be enforced; there had been no reference to a Challenge 25 policy for alcohol sales and the event was likely to appeal to those under 18. It had not been stated whether the applicants had personal licences which raised questions about how they could enforce mandatory licensing conditions if they did not know what they were.
- In summary, the event should be held under a premises licence as a Temporary Events Notice did not provide the necessary tools to ensure it could be undertaken safely.

Members asked how many events had taken place at the neighbouring venue in the last year and whether other events had taken place at the proposed venue. Mr Vincent replied that the premises licence had been active for a number of years and had reduced events from 12 to 6 in any 12 month period. As far as he was aware, no other events were to take place on the proposed site. Previous events had led to the Council serving a noise abatement notice because the layout of the area meant it was difficult to control noise which had led to residents' complaints; it was now working as it should and the applicant of the premises licence had been keen to ensure that. It was at maximum capacity in terms of the number of events and noise control. Residents were not concerned with who held the event but about how it impacted on them.

The sub-committee retired to deliberate a decision.

Determination

The Licensing and Regulated Entertainment sub-committee has decided to refuse the Temporary Event Notice.

A Temporary Event Notice ('TEN') was served on the Licensing Authority under the Licensing Act 2003 Section 100 on Tuesday 15th August 2023 by Mr Goutham Madhusoodhanan Menon, who was named as the premises user within the notice.

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The TEN was served more than 10 days before the planned event in line with legislation and was processed as a valid notice by the Licensing Authority. The relevant authorities were notified and formal written relevant objections were received from the Environmental Health Team and Hertfordshire Police within the 3 working day consultation period.

The Environmental Health Team objected on the statutory ground of the prevention of public nuisance.

Hertfordshire Police objected on the statutory grounds of the prevention of crime and disorder, public safety and the protection of children from harm.

This hearing was convened for the subcommittee to consider those objections and for the premises user to address them if he wished to do so.

The Alcohol and Regulated Entertainment Sub-Committee have listened to the Police and Environmental Health Departments representations, concerns and advice and have considered the Applicants Temporary Event Notice paperwork carefully.

It was noted that the premises user had not attended the hearing or responded in writing to the objections raised by the relevant authorities, consequently the subcommittee were unable to know how or whether the concerns raised by the relevant authorities would be addressed.

It was noted that it was not possible to attach conditions to a TEN and that any modifications to the TEN would need to be agreed by the premises user.

On this occasion, the Sub-Committee have concluded that the licensing objectives would be undermined by the event and have refused the Temporary Event Notice.

Meeting ended at 1.54 pm