

## PART A

**Report to:** Licensing Sub-Committee  
**Date of meeting:** 11 June 2014  
**Report of:** Head of Community and Customer Services  
New Premises Licence Application:  
Warren Brown in respect of Cassiobury Park, Watford  
14/00516/LAPRE

### 1.0 SUMMARY

1.1 An application has been made by Warren Brown of De: Luxe Events Limited for a time-limited premises licence to hold a one-day jazz festival in Cassiobury Park.

### 2.0 RECOMMENDATIONS

2.1 That the Licensing Sub-Committee determines whether to grant the application (amended as appropriate for the promotion of the licensing objectives) as set out in the report.

#### **Contact Officer:**

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**Report approved by: Alan Gough, Head of Community and Customer Services**

### 3.0 APPLICATION

3.1 Type of authorisation applied for  
New premises licence for 22 June 2014 .

3.2 Premises as described on application form  
Cassiobury Park is situated within easy reach of Watford City Centre with fantastic public transport links and car parking facilities within a walkable distance from the park. The park itself has 6 entrance points and attracts a diverse range of visitors.

3.3 Officers understand the application is to allow a one-day jazz festival in a number of marquees set out in a court-yard style including a single stage for a maximum audience of 3100 people in the grass area by the cricket pitch in Cassiobury Park.

3.4 A map of the location of the premises is attached at appendix 1.  
A plan of the premises will be provided to the sub-committee.

### 3.5 Licensable activities

<b>Licensable activity</b>	<b>Applied for</b>
Plays	
Films	
Indoor sports events	
Boxing or wrestling entertainment	
Live music	✓
Recorded music	✓
Performances of dance	
Anything of a similar description to live or recorded music or dance	
Provision of facilities for making music	
Provision of facilities for dancing	
Provision of facilities of a similar description to making music or dancing	
Provision of late night refreshment	
Sale by retail of alcohol for consumption on the premises	✓
Sale by retail of alcohol for consumption off the premises	✓

3.6 Licensable hours  
Sunday 22 June 2014 only from 12:00 hours to 18:00 hours

### 4.0 BACKGROUND INFORMATION

4.1 The following background information is known about these premises:

4.2 Designated premises supervisor  
The proposed designated premises supervisor is Mr Matt Clark.

4.3 Current licences held  
None by this applicant although Cassiobury Park has been licensed in the past for other events, most recently the Cassiobury Fireworks in November 2013 and the Inland Waterways Festival in July 2013. The Herts Pride Festival took place in the park in August 2013 and is due to take place again in 2014.

4.4 Closing date for representations  
2 June 2014

4.5 Public notice published in newspaper  
16 May 2014

4.6 Visits and Enforcement action  
Not applicable as the premises are not currently licensed.

#### 5.0 **PROMOTION OF LICENSING OBJECTIVES.**

5.1 See paragraph below.

#### 6.0 **REPRESENTATIONS**

6.1 Responsible authorities  
No representations have been made by responsible authorities (see paragraph 10.2 below).

6.2 Persons who may be affected by the application  
The following residents of the Borough have submitted representations (appendix 3):

Reference letter	Name	Address	Representative Body (Yes/No)	Relevance to which licensing objective
A	Jacky Wilson	44 Cassiobury Drive	No	Public Nuisance
B	Peter Blogg	24 Woodland Drive	No	Public Nuisance

6.3 Neither representation lists specific concerns about this application, or its nature. Rather, they are general objections to events being given permission to take place in the park.

#### 7.0 **POLICY CONSIDERATIONS**

7.1 The following provisions of the Licensing Act 2003 apply to this application:

- Sections 17 and 18 (Application for a premises licence):  
Section 17 details the process which the applicant must have followed for the application to be considered valid. Section 18 describes the process by which an application for a premises licence is determined,

including where relevant representations have been made as in this case.

- Section 19 (Mandatory conditions):  
Section 19 details the mandatory conditions that would apply if the sub-committee was minded to grant a licence authorising the supply of alcohol.
- Section 22 (Prohibited conditions: plays)  
No condition may be attached to a premises licence authorising the performance of plays as to the nature of the plays or the manner in which they may be performed.
- The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010  
This Order adds a mandatory condition regarding the requirement for an age verification policy to any licence or certificate that authorises the supply of alcohol, measures to prevent the irresponsible sale of alcohol and the prevention of “below VAT+duty” sales.

## 7.2 Statutory guidance

The following provisions of the Secretary of State’s guidance apply to this application:

- Paragraphs 2.18 – 22.4  
These set out how licensing authorities should deal with representations concerned with public nuisance and which is applicable to this current application. In particular, paragraphs 2.20 and 2.22 stress the importance of balancing appropriate conditions with focusing on the most sensitive periods when nuisance may arise.
- Paragraphs 8.34 - 8.42:  
These paragraphs explain how steps should be taken to promote the licensing objectives. It is for the Sub-Committee to decide in light of this guidance whether the measures offered by the applicant are adequate and likely to promote the licensing objectives. It is equally important to use the same measure when looking at any steps requested by a party making representation against an application.
- Chapter 10:  
This chapter looks at best practice in relation to conditions that may be attached to a premises licence by the Sub-Committee, should they believe that these are necessary to promote the licensing objectives. Any additional conditions requested by the responsible authorities should be considered with reference to this chapter.

## 7.3 Statement of licensing policy

The following paragraphs of the licensing authority’s statement of licensing policy apply to this application:

- Policy LP1  
Under this policy the premises would be defined as “other entertainment venues”.
- Policy LP2 (Location and operation of premises)  
This policy sets out the approach to licensing premises where relevant representations are received, notwithstanding that each application is considered on its own merits.

As the application is for an “entertainment venue” in a residential area, the licensable hours may be limited to midnight. The application is for earlier than midnight, is therefore within policy and therefore there is no need for the applicant to demonstrate they should be an exception to that policy.

- Policy LP8 (Prevention of Public Nuisance)  
As representations are only made on this ground, this is the only other policy for the Sub-Committee to consider (and see paragraph 10.5 below).

7.4 The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority’s responsibility to co-operate in the reduction of crime and disorder in the Borough.

7.5 The Committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights. The Act also provides for the protection of property, which may include licences in existence, and the protection of private and family life.

#### 8.0 **RELEVANT TRADE OR OTHER GUIDANCE**

Event Safety Guide (Guide to Health, Safety and Welfare at Music and Similar Events), 2014 (accessed only via [www.thepurpleguide.co.uk](http://www.thepurpleguide.co.uk)).

#### 9.0 **CONDITIONS**

9.1 Members will be aware that an operating schedule forms part of the licensing application process. This document outlines what activities are proposed, the opening hours, how the activities will be managed particularly in respect of the licensing objectives.

The most critical part of the operating schedule is the steps taken by the applicant to promote the four licensing objectives. Applicants are always recommended to take careful consideration as to what is entered in this section as whatever is proposed will be translated as conditions on the licence.

Applicants should give consideration to the local area and reflect this in their application. It should demonstrate an awareness of the local community,

local crime and disorder issues, and environment.

## 9.2 Conditions consistent with the operating schedule

### *(a) General*

There shall be a full risk assessment and event management plan for the event which shall be approved by the Safety Advisory Group in writing a minimum of two weeks prior to the event.

The event will have a minimum of eight personal licence holders present at the event and all will follow licensing objectives. We will use a strict THINK25 policy.

### *(b) The prevention of crime and disorder*

The event will have a minimum of eight Security Industry Authority (SIA) accredited staff overseeing the event and will use the same principles at this event as they do when they oversee clubs/pubs. Visitors to the event will not be allowed to bring alcohol into the event arena (discretion used in certain cases) or leave the event arena with alcohol.

### *(c) Public safety*

All traders and event staff will report to Jeremy from SVS Solicitors who will be our dedicated safety officer. He had (sic) vast experience of event safety management and will ask all traders to follow the Risk Assessment and Event Management Plan to make the event safe for the public to attend. All individual assessments will be available to view at our dedicated Customer Service marquee. The use of radios on site will be overseen by the dedicated safety officer.

### *(d) The prevention of public nuisance*

Our sound contractor will make sure the noise levels are of an acceptable nature and submit a EMP [Event Music Plan] to the relevant bodies at least two weeks in advance of the event.

The music noise level during the event shall not exceed 65 dBA LAeq,15mins when measured one metre from the façade of any noise sensitive premises. [This is from the Code of Practice on Environmental Noise Control at Concerts, 1995].

The Licensee and his representatives shall comply with all reasonable requests by Licensing Authority representatives to reduce music noise level in order to achieve or maintain compliance with [the above] condition.

### *(e) Protection of children from harm*

A dedicated event safety gazebo with a Lost Children Point will be set up within the event area and well sign posted. Radios will be given to all SIA accredited staff and all will report any issues to the dedicated safety officer. All children's rides will be asked to submit a full risk assessment and reference to our dedicated safety officer two weeks prior to the event.

9.3 Conditions proposed by the responsible authorities and/or affected parties  
See paragraph 10.5, below.

9.4 Pool of model conditions  
Officers do not think, for the reasons below, that there are any additional conditions from the pool of model conditions that could be usefully added to this licence.

## 10.0 OFFICERS' OBSERVATIONS

10.1 The event is a one-off jazz festival over one afternoon, in Cassiobury Park. Whilst the exact location in the park has not been previously used, events have been held at the nearby Cha Cha Cha café. Jazz in the Park is one in a series of similar events being held around the country, with identical layouts and facilities. Enquiries of other licensing authorities where some of the other events have been organised have not indicated any cause for concern.

10.2 A number of marquees with corporate sponsorship offering food and other attractions will form the barrier around the event arena, with a single operational entrance/exit and two emergency-only exits. Entry to the event will be free but limited to 3100 spectators who will need to obtain a wristband.

10.3 There are comments in the representations concerning potential noise nuisance and alcohol misuse. The applicant has agreed to a noise condition (see paragraph 10.4) which is a lower level than set out in his ELP, but which is consistent with the hire agreement signed with Veolia Environmental Services. This is also consistent with the conditions on the licences for the events set out in paragraph 4.3. No substantiated complaints were received in connection with those events.

10.4 Representation B expresses concern about a precedent being set if this application should be granted. As Members are aware, each application is to be considered on its own individual merits.

10.5 Two conditions have been agreed by the applicant with Environmental Health:

### Conditions

1. Noise from licensable activities, including music and associated plant noise shall not exceed 55 dB  $L_{Aeq(5 \text{ min})}$  between the hours of 09.00 and 21.30. A maximum level of 73 dB(A) shall not be exceeded at anytime. These limits shall apply at the property boundary of noise sensitive premises.
2. This licence will not be effective until all the event documentation has been approved by the licensing authority on advice from the responsible authorities. This documentation to include:
  - event safety policy

- event risk assessments
- site safety plan
- crowd management plan
- transport management plan
- emergency plan
- First Aid plan

- 10.6 The applicant has supplied the above documents, and attended the Safety Advisory Group on 3 June 2014. A number of practical issues were discussed which the applicant is liaising about with the responsible authorities. These primarily concerned parking arrangements; details of the marquees to be used; and details of the food/drink vendors on site. Should the sub-committee grant the licence, it will not be effective until officers of the licensing authority are satisfied on advice from the responsible authorities that all outstanding issues have been complied with.
- 10.7 The officers' observations and the comments regarding the representations are in no way meant to bind Members. They are for guidance only and Members may attach whatever weight they see fit.

#### Appendices

Appendix 1 – map of the premises' location (to follow)

Appendix 2 – plan of the premises

Appendix 3 – representations

Appendix 4 – draft licence

#### Background Papers

The following background papers were used in the preparation of this report.

If you wish to inspect or take copies of the background papers, please contact the officer named on the front page of the report.

Licensing Act 2003

Amended guidance issued under section 182 of the Licensing Act 2003  
(Home Office October 2012)

Licensing Act (Hearings) Regulations 2005

Watford Borough Council Licensing Policy (November 2013)

Watford Borough Council Pool of Model Conditions (July 2010)