

A meeting of the **LICENSING COMMITTEE** will be held in the **CIVIC SUITE 1A, PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON PE29 3TN** on **TUESDAY, 26 OCTOBER 2010** at **THE RISING OF THE LICENSING AND PROTECTION PANEL** and you are requested to attend for the transaction of the following business:-

APOLOGIES

1. MINUTES (Pages 1 - 2)

To approve as a correct record the Minutes of the meeting of the Committee held on 16th June 2010.

2. MEMBERS INTERESTS

To receive from Members declarations as to personal and/or prejudicial interests and the nature of those interests in relation to any Agenda Item. Please see notes 1 and 2 below.

3. LICENSING ACT 2003 - STATEMENT OF LICENSING POLICY
(Pages 3 - 4)

To consider a report by the Head of Democratic and Central Services on the outcome of the consultation on the draft Statement of Licensing Policy.

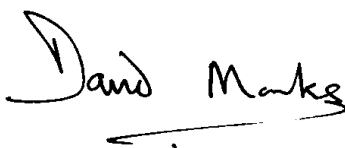
4. RE-BALANCING THE LICENSING ACT (Pages 5 - 16)

To receive a report by the Head of Democratic and Central Services giving details of a recent consultation on proposals for re-balancing the licensing act.

5. SECRET GARDEN PARTY (Pages 17 - 20)

To receive a report by the Head of Democratic and Central Services on the outcome of the recent festival.

Dated this 18 day of October 2010

A handwritten signature in black ink that reads "David Markes". The signature is written in a cursive style with a long horizontal stroke at the end.

Chief Executive

Notes

1. *A personal interest exists where a decision on a matter would affect to a greater extent than other people in the District –*
 - (a) *the well-being, financial position, employment or business of the Councillor, their family or any person with whom they had a close association;*
 - (b) *a body employing those persons, any firm in which they are a partner and any company of which they are directors;*
 - (c) *any corporate body in which those persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or*
 - (d) *the Councillor's registerable financial and other interests.*
2. *A personal interest becomes a prejudicial interest where a member of the public (who has knowledge of the circumstances) would reasonably regard the Member's personal interest as being so significant that it is likely to prejudice the Councillor's judgement of the public interest.*

Please contact Mrs A Jerrom, Democratic Services on Tel No. 01480 388009/e email: Amanda.Jerrom@huntsdc.gov.uk if you have a general query on any Agenda Item, wish to tender your apologies for absence from the meeting, or would like information on any decision taken by the Committee.

Agenda and enclosures can be viewed on the District Council's website – www.huntingdonshire.gov.uk (under Councils and Democracy).

**If you would like a translation of
Agenda/Minutes/Reports or would like a
large text version or an audio version
please contact the Democratic Services Manager and
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Emergency Procedure

In the event of the fire alarm being sounded and on the instruction of the Meeting Administrator, all attendees are requested to vacate the building via the closest emergency exit.

Agenda Item 1

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING COMMITTEE held in the Civic Suite, Pathfinder House, St Mary's Street, Huntingdon, PE29 3TN on Wednesday, 16 June 2010.

PRESENT: Councillor J T Bell – Chairman.

Councillors K M Baker, K J Churchill,
R S Farrer, Mrs P A Jordan, A Monk,
T D Sanderson, Mrs P E Shrapnel and
J S Watt.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillors, J J Dutton, N J Guyatt and S M Van De Kerkhove.

5. MINUTES

The Minutes of the meetings held on 27th January 2010 and 19th May 2010 were approved as correct records and signed by the Chairman.

6. MEMBERS' INTERESTS

No declarations were received.

7. LICENSING ACT 2003 - NEW MANDATORY CONDITIONS

Members received and noted the contents of a report by the Head of Democratic and Central Services (a copy of which is appended in the Minute Book) advising of five new mandatory conditions applicable to premises licences and club premises certificates, issued under the Licensing Act 2003.

Members were advised that the conditions had been introduced with the intention of ensuring good practice and consistency within the industry to aid the prevention of irresponsible practices that could lead to a risk to individuals and anti-social behaviour.

Members were informed that three of the five conditions, banning irresponsible drinks promotions and drinking activities and ensuring the availability of free tap water to customers, had been introduced from 6th April 2010. The remaining conditions to be introduced from 1st October 2010 would require all premises selling alcohol to have an age verification policy for those under 18 years of age and for the option of alcohol being made available to customers in smaller measures.

RESOLVED

that the contents of the report now submitted be noted.

Chairman

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**LICENSING ACT 2003
STATEMENT OF LICENSING POLICY**

(Report by Head of Democratic and Central Services)

1. Introduction

- 1.1 The Licensing Act 2003 requires the Council in its role as the licensing authority to adopt a statement of licensing policy and to have regard to that statement in the exercise of its functions under the Act. The existing statement, the second such document that the Council has approved, came into effect on 7th January 2008 for a period of three years and will expire shortly. The Council must therefore review its policy and approve a new statement that will come into effect on 7th January 2011.
- 1.2 The Act also requires each licensing authority to have regard to any guidance issued by the Secretary of State and revised guidance was issued in March 2010.

2. Secretary of State's Guidance

- 2.1 The authority can depart from the guidance where this is felt appropriate but must have good reason for doing so and must be able to substantiate its decision if challenged through the courts.
- 2.2 Various legislative changes have taken place since the previous statement of licensing policy was approved and these have been reflected in the Secretary of State's current guidance. These include –
- a mandatory code of practice for alcohol retailers;
 - elected members of licensing authorities becoming interested parties for the purposes of making representations and applying for reviews;
 - re-classification of lap dancing clubs so that they require a sex establishment licence;
 - new mandatory conditions in relation to the supply of alcohol.
- 2.3 The new coalition government has issued a consultation paper on 'rebalancing the Licensing Act' which is likely to result in further changes to the Act and the issue of revised guidance. A separate report on this appears elsewhere on the agenda. Until such time as any changes are made, the statement of licensing policy must reflect the existing guidance.

3. Statement of Licensing Policy

- 3.1 Approval of the statement cannot be delegated by the Council. Regard also must be had to the statement by the authority in carrying out its licensing functions and there must be good reasons for deviating from its content.
- 3.2 The existing statement reflected the Secretary of State's earlier guidance and has not attracted any adverse challenge to its application in terms of the Council's licensing activities.

- 3.3 The new draft statement has been modelled on the existing document and changes made only where it would otherwise conflict with the Secretary of State's updated guidance. A copy has been distributed to all Members under separate cover and comments invited from a wide variety of organisations with a closing date of 21st October.
- 3.4 The previous government had proposed that the need to review the statement of licensing policy every three years be repealed as this was thought to be no longer necessary and an administrative burden. Although this was not implemented before the last election, the lack of response to the consultation exercise on this occasion reinforces the view that a review every three years is inappropriate.
- 3.5 Only one reply has been received to date in which St Ives Town Council has asked if the statement can be amended to make provision for town and parish councils to be consulted on applications for premises licences. The legislation currently requires an applicant to serve notice of an application on all responsible authorities which does not include a parish council. A local council is an interested party as it represents persons who live in the vicinity of a licensed premise but interested parties are advised of an application by way of a site notice posted by an applicant. The notification procedure is prescribed by regulation and licensing authorities are encouraged not to deviate from those requirements.
- 3.6 Any further responses will be reported verbally at the Licensing Committee meeting and the report update for Cabinet and Council.

4. Conclusion and Recommendation

- 4.1 Once adopted, the statement of licensing policy can be amended by the licensing authority at any time during the ensuing three years, prior to its renewal in 2014.
- 4.2 The consultation exercise on the revised statement has elicited a poor response and it is therefore proposed that no change be made to the draft other than minor corrections. It is

Recommended

that the Committee endorse the revised statement of licensing policy for submission to Cabinet and subsequently the Council for approval.

Background Papers:

- Guidance issued by the Secretary of State for Culture, Media and Sport under section 182 of the Licensing Act 2003
- Statement of Licensing Policy of the authority dated January 2008
- Draft statement of Licensing Policy of the authority dated January 2011.
- Consultation replies as set out in the appendix attached.

Contact Person: Roy Reeves
Head of Democratic and Central Services
Tel: (01480) 388003.

REBALANCING THE LICENSING ACT

(Report by Head of Democratic and Central Services)

1. Introduction

- 1.1 Since coming into force in 2005, the Licensing Act 2003 has attracted considerable comment as to whether it has achieved the aim of the previous Government of relaxing the licensing laws, thereby encouraging a more sensible approach to alcohol consumption and a vibrant night time economy. Over the past 5 years, the Licensing Act has been the subject of continuous amendment by subsequent legislation intended to tackle the problem of binge drinking and changes in drinking patterns, particularly among young people.

2. Current View

- 2.1 The new coalition Government is of the view that the current regime is overly prescriptive and there is insufficient flexibility to address those premises where alcohol consumption has caused a problem for local communities. Although the present system was intended to make it easier for communities to ask for a review of premises that cause concern, there have been few such applications for reviews in Huntingdonshire and elsewhere. The Government therefore proposes to introduce greater flexibility for local communities to deal with the minority of premises that are managed irresponsibly or give rise to crime and disorder or public nuisance.

- 2.2 As part of the changes being mooted elsewhere, the Government is proposing a shift in the licensing regime away from central direction towards more local accountability. Among the proposals suggested are

- (a) giving licensing authorities the power to refuse applications or call for a licence review without requiring relevant representations from a responsible authority;
- (b) removing the need for licensing authorities to demonstrate their decisions on licences 'are necessary' for (rather than of benefit to) the promotion of the licensing objectives;
- (c) reducing the evidential burden of proof required by licensing authorities in making decisions on licence applications and licence reviews;
- (d) increasing the weight that licensing authorities will have to give to relevant representations and objection notices from the police;
- (e) simplifying cumulative impact policies to allow licensing authorities to have more control over outlet density;
- (f) increasing the opportunities for local residents or their representative groups to be involved in licensing decisions, without regard to their immediate proximity to premises;
- (g) enabling more involvement by local health bodies in licensing decisions by designating health bodies as a responsible authority and seeking views on making health a licensing objective;
- (h) amending the process of appeal to avoid the costly practice of rehearing licensing decisions;

- (i) enabling licensing authorities to have flexibility in restricting or extending opening hours to reflect community concerns or preferences;
- (j) repealing the power to establish alcohol disorder zones and allowing licensing authorities to use a simple adjustment to the existing fee system to pay for any additional policing needed during late-night opening;
- (k) overhauling the system of temporary events notices to give the police more time to object, enabling all responsible authorities to object, increasing the notification period and reducing the number that can be applied for by personal licence holders;
- (l) introducing tougher sentences for underage sales;
- (m) triggering automatic licence reviews following persistent underage sales;
- (n) banning the sale of alcohol below cost price;
- (o) enabling local authorities to increase licence fees so that they are based on full cost recovery;
- (p) enabling licensing authorities to revoke licences due to non-payment of fees; and
- (q) consulting on the impact of the Mandatory Licensing Conditions Order and whether the current conditions should be removed.

3. Consultation

- 3.1 The Government has issued a consultation paper on the proposals under the heading of 'Rebalancing the Licensing Act'. The consultation period ran for a relatively short space of 6 weeks over the summer holiday period with a closing date for responses of 8th September.
- 3.2 Many of the proposals are to be welcomed, particularly the introduction of greater flexibility for the licensing authority to determine applications which was severely constrained under the current legislative arrangements.
- 3.3 As the closing date for comments on the consultation paper passed some time ago, the Chairman and Vice Chairman endorsed a proposed response to the questions posed in the document. These are attached as an appendix to this report.

4. Conclusion

- 4.1 The regulation of alcohol sales has a history in this country of swinging between prescription and flexibility, none of which have successfully tackled the problem of irresponsible sales and drinking habits among the population. Following the relaxation of the rules introduced by the Licensing Act, the pendulum appears to be moving back to greater control and discretion on the part of licensing authorities and the police in determining applications and reviewing problem premises.
- 4.2 Further information on any changes that ensue from the consultation paper will be brought to the attention of the Committee as they emerge.
- 4.3 The Committee is therefore

Recommended

to note the content of this report and the changes forecast in the licensing regime.

Background Papers:

'Rebalancing the Licensing Act' consultation paper issued by the Home Office

Contact Person:

Roy Reeves
Head of Democratic and Central Services
Tel: (01480) 388003.

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Rebalancing the Licensing Act - Response

Consultation Question 1: What do you think the impact would be of making relevant licensing authorities responsible authorities?

The absence of discretion on the part of the licensing authority has been a fundamental flaw in the Licensing Act and has meant that the hands of the authority are tied unless a responsible authority or interested party makes representations on an application or asks for a review or a licence or club certificate. In particular this has restricted the opportunity for the authority to challenge inadequate operating schedules that form part of applications or convert these into meaningful and enforceable conditions if there are no representations from responsible authorities or interested parties.

Residents who live near premises that are causing problems in a local area are often reluctant to trigger a review of a premises licence but if the licensing authority could undertake a review upon the weight of evidence that has been brought before them, this would enable reviews to be dealt with more frequently and expeditiously. Although it could be argued on the part of the applicant or licence holder that this might prevent a fair hearing, in reality this is no different to the situation in terms of the other licences that the authority deals with, including the Gambling Act 2005. The Council would therefore welcome this proposal as a much needed modification of the existing legislation

Consultation Question 2: What impact do you think reducing the burden of proof on licensing authorities will have?

The Council has no strong views on this matter.

Consultation Question 3: Do you have any suggestions about how the licence application process could be amended to ensure that applicants consider the impact of their licence application on the local area?

The Council is uncertain of the value of such a change. It will remain a matter for responsible authorities and interested parties to submit representations with regard to the impact of an application on a local community and this will not be obviated by an assessment on the part of the applicant.

Consultation Question 4: What would the effect be of requiring licensing authorities to accept all representations, notices and recommendations from the police unless there is clear evidence that these are not relevant?

The intention of this proposal is unclear.

If it is being suggested that the licensing authority is required to accept and comply with all recommendations from the Police such as the refusal of an application or revocation of a licence, this would remove any discretion on the part of the licensing authority and be contrary to the rules of natural justice by denying an applicant or licence holder the opportunity to submit representations at a hearing.

The Police have ample opportunity to make representations under the current legislation which are relevant to the licensing objectives. The Council does not support the need for any further powers to be made available.

Consultation Question 5: How can licensing authorities encourage greater community and local resident involvement?

Licensing authorities already consult widely in their statement of licensing policy but few replies are received, even from responsible authorities. It is highly unlikely that any further consultation will bring more replies.

There is a danger of consultation fatigue. Few residents comment on policy formulation, irrespective of the measures that authorities go to to encourage responses. Residents only become interested when they are affected by a proposal for a wind farm, landfill site, sex establishment or in this case nightclub near where they live.

The Council suggests that the current arrangements are satisfactory in enabling residents to make representations as interested parties.

Consultation Question 6: What would be the effect of removing the requirement for interested parties to show vicinity when making relevant representations?

The Council does not support a change in the definition of interested party. If anyone was able to submit representations, a situation could arise where patrons of a licensed establishment could make representations in favour an application for longer hours or to retain existing hours of operation in the case of a review. In terms of the volume of representations that could be generated, they could overwhelm the representations of the neighbours who live in close proximity to the premises and whose lives may be being blighted by disorder or public nuisance.

If this is to be introduced, some form of weighting would be necessary to give greater weight to the views of those who live in the vicinity of the licensed premises as opposed to those people who may live in nearby towns or villages but who travel to the premises to enjoy the later hours specified in the premises licence.

A further complication is that the present legislation enables an interested party to appeal against a decision by a licensing authority. If everyone was classed as an interested party, it would potentially mean that a person living some miles away from a licensed premises or in a different town could appeal against the authority's decision or the conditions that had been applied.

Consultation Question 7: Are there any unintended consequences of designating health bodies as a responsible authority?

The legislation would need to be clear as to which health body is entitled to make representations – is it the local PCT or the Trust administering the local A & E hospital? Could a mental health trust make representations, or an ambulance trust? And might a local medical practice in a town or village be better placed to comment on the impact of licensed premises in their community as they have to deal at first hand with alcohol related incidents?

There is merit in the opportunity for a health response, especially in the case of large events such as open air festivals where their views cannot be formally taken into account at the moment.

Consultation Question 8: What are the implications in including the prevention of health harm as a licensing objective?

The Council would welcome the change but those making representations would have to be able to demonstrate a causal link between the adverse effects of alcohol

consumption and individual licensed premises. Otherwise, a health authority or hospital trust could simply object to all licensed premises applications on the grounds that alcohol affects the health of the consumer.

Consultation Question 9: What would be the effect of making community groups interested parties under the Licensing Act, and which groups should be included?

Again care would be needed in identifying such community groups, especially given the huge number of voluntary groups that exist. It could be argued that public organisations such as school governing bodies and registered social landlords might be appropriate but they could be regarded as interested parties at the moment in that they are bodies representing persons who live in the vicinity of the premises. The only advantage would be that they would have a copy of the application served on them as a responsible authority

However this would then place an additional duty on the part of applicants and licensing authorities to identify and hold information on each of the community groups located in the vicinity of the licensed premises which could become an onerous task. On balance, the Council suggests that community groups are already catered for by being defined as interested parties and that any further change is unnecessary and fraught with potential complications.

Consultation Question 10: What would be the effect of making the default position for the magistrates' court to remit the appeal back to the licensing authority to hear?

The Council's experience to date is that there have been few appeals as a result of the licensing authority's decisions. Indeed in Huntingdonshire, there has been only one appeal in the 5 years since the Act was implemented. If it can be demonstrated that a fair hearing has been held at which all parties have had an opportunity to submit representations and question other parties, there seems little appetite for an appeal.

What will no doubt have swayed parties when considering an appeal is the costs involved. If appeals were to be remitted back to the licensing authority, requiring a different sub committee in the interests of impartiality, aggrieved applicants and interested parties will be more likely to appeal as little costs will be incurred, other than on the part of the licensing authority itself. In other words, aggrieved residents would have nothing to lose and there could be an explosion in the number of appeals that are submitted.

The Council would therefore not support this proposal.

Consultation Question 11: What would be the effect of amending the legislation so that the decision of the licensing authority applies as soon as the premises licence holder receives the determination?

The Council welcomes this proposal. Notwithstanding the scarcity of appeals, it does take many months for an appeal to be heard by a magistrates court during which time the problems that have given rise to the licence review etc. can continue unabated.

What would be preferable is for the licensing authority to have the discretion to make any decision effective either immediately if that were thought to be necessary or to await the outcome of an appeal.

Consultation Question 12: What is the likely impact of extending the flexibility of Early Morning Restriction Orders to reflect the needs of the local areas?

The Council supports this proposal.

Consultation Question 13: Do you have any concerns about repealing Alcohol Disorder Zones?

The Council agrees with the sentiments expressed in the consultation paper and has no objection to the demise of ADZs.

Consultation Question 14: What are the consequences of removing the evidential requirement for Cumulative Impact Policies?

It is unlikely that cumulative impact policies will be necessary in Huntingdonshire's market towns so other authorities are better placed to comment on this proposal.

Consultation Question 15a: Do you agree that the late night levy should be limited to recovery of these additional costs?

It is appropriate that licence holders should contribute towards any extra costs incurred as a result of the activities that they provide. However the levy would have to be proportionate. Licence holders should not be required to pay for additional policing if those officers are not dedicated to mitigating the impact of the licensed premises and are merely used elsewhere to offset reductions in policing budgets. Indeed this could give rise to conflict between licence holders who do not think they are getting value for money and residents who expect officers to be diverted to resolve problems elsewhere even though the latter may have been funded by premises with late licences.

Consultation Question 15b: Do you think that the local authority should be given some discretion on how much they can charge under the levy?

Local authorities will require substantial discretion. If the levy were to be applied in a blanket fashion, this could penalise those responsible licence holders whose premises are well managed and do not create problems in their localities. Failure to do this would discourage licence holders from implementing measures of their own as they would still be required to pay the levy to deal with problem premises.

Consultation Question 16: Do you think it would be advantageous to offer reductions for the late night levy to premises which are involved in schemes to reduce the additional policing costs such as Best Bar None?

See answer to previous question.

Consultation Question 17: Do you agree that the additional costs of taxi-marshalling or street cleaning should be funded by the late night levy?

In principle, any additional costs arising from late night premises should be reimbursed by licence holders but there is a danger of a number of organisations asking for funding from the levy such as the local A & E hospital or ambulance trust. It might also be difficult to identify the origin of the problems, e.g. litter is just as likely

to be dropped by those who frequent a licensed premises during an evening as opposed to the early hours of the following morning.

Consultation Question 18: Do you believe that giving more autonomy to local authorities regarding closing times would be advantageous to cutting alcohol-related crime?

The Council welcomes the flexibility being proposed but is unable to predict whether this will reduce alcohol related crime.

Consultation Question 19: What would be the consequences of amending the legislation relating to TENs so that:

- a. All the responsible authorities can object to a TEN on all of the licensing objectives?**

The Council welcomes this proposal. Events with a TEN can have an adverse effect on neighbouring residents and it would be helpful for the licensing authority to have regard to the question, for example, of noise nuisance.

There is however the danger that more hearings would be required at short notice in the event of a greater number of representations being received.

- b. The police (and other responsible authorities) have five working days to object to a TEN?**

The Council welcomes this approach. The current timescale is much too short and effectively debar any representations from the Police.

- c. The notification period for a TEN is increased, and is longer for those venues already holding a premises licence?**

The Council welcomes this proposal.

- d. Licensing authorities have the discretion to apply existing licence conditions to a TEN?**

The Council welcomes this proposal. Although disturbance from events with the benefit of a TEN have been rare, there is no action that the licensing authority can take to control the activities provided and problems can continue unabated for up to the 96 hours provided for in the TEN. Similarly previous problems cannot be taken into account when processing a new TEN from the same person for the same activities at the same site and unless the Police take action, the licensing authority is powerless to act to protect a local community.

Care is required however not to make the process too onerous for the many community groups that require a TEN for a local event or to impose additional costs on licensing authorities that are not met by the £21 fee.

Consultation Question 20: What would be the consequences of:

- a) Reducing the number of TENs that can be applied for by a personal licence holder to 12 per year?**

Many TENs are obtained by existing premises licence holders to provide outside bars in village halls and local community events. The restriction proposed could result in members of the public encountering problems in obtaining external bars for their events. The Council therefore does not see a problem with the existing limit.

b) Restricting the number of TENs that could be applied for in the same vicinity (e.g. a field)?

The change proposed is long overdue. The inadequate definition of premises or place enables an enterprising promoter to submit several TENs for parts of a field or marquee which the licensing authority is powerless to resist. In addition, as the TEN only relates the premises in which the licensable activity is taking place, there would be nothing to prevent a TEN being submitted for a marquee with a capacity of 500 but for several thousand other people to be outside the marquee consuming alcohol that they had purchased in the marquee. As consumption of alcohol is not an offence and as long as no more than 500 people were present in the marquee, the event itself would be considerably larger than parliament had intended in the Licensing Act.

Consultation Question 21: Do you think 168 hours (7 days) is a suitable minimum for the period of voluntary closure that can be flexibly applied by police for persistent underage selling?

A minimum figure of 168 hours might have an unduly adverse effect on a local community that relies on that premises as the principal or only retail outlet in that area. This could potentially cause hardship to the elderly in that community or those who are without transport, especially if there is an inadequate bus service to a town nearby.

It would be preferable for 168 hours to be the maximum period for a closure order and for the other remedies such as a suspension of a premises licence to be used that would not penalise those who rely on the other goods provided by that outlet.

Consultation Question 22: What do you think would be an appropriate upper limit for the period of voluntary closure that can be flexibly applied by police for persistent underage selling?

See answer to question 21.

Consultation Question 23: What do you think the impact will be of making licence reviews automatic for those found to be persistently selling alcohol to children?

The Council is of the view that a review of a premises licence should be an automatic consequence of a conviction for persistently selling alcohol to children.

Consultation Question 24: For the purpose of this consultation we are interested in expert views on the following. Please give your views in the box below each point.

a. Simple and effective ways to define the 'cost' of alcohol

The Council is not convinced that minimum pricing will prevent people from drinking irresponsibly. What is needed is a change of attitude on the part of those who adopt this practice and a zero tolerance to the anti-social

behaviour by young people who consume alcohol in public places. Unless the Government has statistics to show that the high price of tobacco has reduced smoking, it is unlikely that an increase in the cost of alcohol will similarly curtail alcohol consumption.

b. Effective ways to enforce a ban on below cost selling and their costs

The consultation paper does not suggest who would be responsible for enforcing the ban or who would meet the costs involved. This could be as difficult to manage effectively as to deal with the problems of under-age drinking in public.

c. The feasibility of using the Mandatory Code of Practice (Mandatory Licensing Conditions) Order 2010 to set a licence condition that no sale can be below cost, without defining cost.

The Council suggests that this would be difficult to enforce.

Consultation Question 25: Would you be in favour of increasing licence fees based on full cost recovery, and what impact would this have?

Yes. Licensing authorities should have greater discretion to meet their costs in administering their responsibilities under the Licensing Act. Some fees are artificially low, the fee for a personal licence valid for 10 years at £37 for example being only £1 higher than the charge for the CRB check that accompanies the initial application.

Consultation Question 26: Are you in favour of automatically revoking the premises licence if the annual fees have not been paid?

This is a long needed amendment. The costs involved in pursuing an unpaid annual fee can exceed the value of the fee itself. The simple solution and which is unavoidable on the part of the licence holder is to enable the licensing authority to revoke the licence for non payment.

Consultation Question 27: Have the first set of mandatory conditions that came into force in April 2010 had a positive impact on preventing alcohol-related crime?

The mandatory conditions have not made any noticeable impression to the knowledge of the Council since they were introduced, although it is perhaps too early to draw a conclusion from their implementation.

Consultation Question 28: Would you support the repeal of any or all of the mandatory conditions?

The Council would support the retention of the age verification policy, although the other mandatory conditions are largely superfluous and likely to be difficult to enforce.

Consultation Question 29: Would you support measures to de-regulate the Licensing Act, and what sections of the Act in your view could be removed or simplified?

The Council would welcome the removal of the need to review the statement of licensing policy every three years which attracts little response from the public consultation and is time consuming for little added benefit.

The current application forms are confusing and repetitious and should be simplified.

SECRET GARDEN PARTY, ABBOTS RIPTON**(Report by Head of Democratic and Central Services)****1. Introduction**

- 1.1 At the meeting held on 27th January 2010, the Committee was informed that a premises licence had been granted in perpetuity for the Secret Garden Party festival at Abbots Ripton for a period of 5 days each year
- 1.2 The purpose of this report is to acquaint the Committee with the festival that took place in July and the issues that have arisen with responsible authorities and interested parties.

2. Event

- 2.1 The Secret Garden Party's reputation has grown over the years to such an extent that it was mentioned frequently in the national press over the summer as one of the best outdoor festivals to attend.
- 2.2 The event in 2010 extended from Thursday, 22nd to Monday, 26th July inclusive. Licensable activities took place at varying times throughout that period commencing at noon on 22nd and ending at 6.00 a.m. on 26th July. Live music was permitted until 1.00 a.m. on 23rd, 6.00 a.m. on 24th and 25th, and midnight on the 25th. The total number of people permitted to attend was 26,000 of which 17,000 were paying customers.
- 2.3 Conditions are attached to the licence to regulate the hours of the various forms of entertainment, numbers, sound management, site security, police presence, sale of alcohol, drugs control, litter and waste disposal, sanitation, health and safety, water safety, risk management, traffic management, food hygiene and medical care.
- 2.4 Officers from the Democratic & Central Services and Environmental & Community Health Divisions were on site for most of the event's duration and both planning and de-briefing meetings were arranged with the event organisers and responsible and other relevant organisations.

3. Issues

- 3.1 A post event safety advisory group meeting took place on 24th August which involved representatives of the District Council (Licensing, Environmental & Community Health and Emergency Planning), County Council (Highways and Emergency Planning), Cambridgeshire Constabulary, Cambridgeshire Fire and Rescue Service and Hinchingsbrooke Hospital, together with representatives of the licence holder, land owner and companies contracted to undertake site security and health care during the event.
- 3.2 The issues that arose at that meeting can be summarised as follows –
 - Criminal Activity – A total of 246 incidents were recorded by the Police which is a significant increase on the 49 recorded at the 2009 event. Of those 80 were for theft, most of which were organised thefts of possessions in tents. One of the group involved was apprehended and considerable property recovered. There were 166 drug and alcohol related offences, notwithstanding strict security and dogs being used at

entrances. Some of the drugs seized were prescription drugs which it was thought was being misused.

- Security – This presented a problem with people climbing over and digging under the security fencing and also manufacturing duplicate wristbands. 800 security staff were engaged of which 148 were SIA trained. Problems occurred with long delays at the entrance on the opening day of the festival when an unexpectedly high number of people arrived as opposed to the more steady stream of arrivals over the first 24 hours which had happened in previous years. Security measures meant that some attendees had to wait up to 5 hours for admission.
- Traffic Management – The traffic management plan worked better than in 2009 with vehicles arriving on site rather than queuing on the highway. Complaints were received of vehicles being parked in neighbouring villages which could have been the result of persons entering the festival illegally and leaving their vehicles elsewhere.
- Health and Safety – A concern was raised about access in an emergency to anyone in need of medical attention in the area fronting the main stage which tended to fill quickly when a band was due to appear. Problems arose with the movement of a pontoon bridge over the lake which had to be closed at times
- Medical Care – 510 people were dealt with by the event paramedics of which 36 were referred to Hinchingsbrooke Hospital. 4 people were admitted, of which 2 cases were drugs/alcohol related. Both the hospital and the event paramedics were satisfied with the arrangements made to treat those in need of assistance. The ambulance service dealt with 7 calls for assistance over the course of the weekend.
- Environmental Health – Concern has been raised over the distribution and quality of the water supply at the event and traces of pathogen related illnesses were found in the water samples from the lake resulting in a few cases of rashes and infections. Various food inspections took place which resulted in 2 vendors being ejected by the licence holder.
- Fire – No problems were reported. All tents/marquees supplied by the licence holder were flame retardant and security staff prevented hazardous materials being brought on site. Although the Chinese lanterns released by the festival were biodegradable, some attendees released their own lanterns with wire frames with a potential to damage to farm machinery, injure animals and enter the food chain if they fell in nearby fields.
- Community Issues – In addition to a complaint about parking in a neighbouring village, it is understood that concerns exist locally on the part of some residents but these have not resulted in letters of complaint. No complaints of noise nuisance were received.

4. 2011 Festival

- 4.1 The licence holders have indicated that it is not their intention to apply for an increase in numbers at the event in 2011 which will mean that there will be no opportunity for the licence conditions to be revisited unless application is made for a review by one of the responsible authorities or interested persons. No indication has been received that such an application will be made.

- 4.2 That said, the licence holder has indicated his intention to address the issues that have been raised in the post-event safety advisory group meeting and will be working with the appropriate authorities to plan for the festival in 2011.

5. Conclusion

- 5.1 This continues to be a well-managed event with a high degree of co-operation on the part of the licence holder with the licensing authority and responsible authorities. It has become well known on the festival calendar and is enjoyed by both local people and visitors to the District who attend.

- 5.2 The Committee is therefore

Recommended

to note the content of this report.

Background Papers

Current premises licence.
Notes of safety advisory group meetings.

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