

**LICENSING SUB-COMMITTEE**

**29 June 2015**

Attendance:

Councillors:

Mather (Chairman) (P)

Green (P)

Laming (P)

Officers in Attendance:

Miss C Stefanczuk (Licensing Manager)

Mr H Bone (Head of Legal and Democratic Services)

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1. **APPLICATION FOR A NEW PREMISES LICENCE – GRAZE FESTIVAL, HUMPHRIES FARM, HAZELEY ROAD, TWYFORD, WINCHESTER**  
(Report LR451 and Update Report to LR451 refers)

The Chairman welcomed to the meeting Mr R Walker (Applicant), on behalf of Graze Festival Ltd and Mr J Myall (speaking on behalf of the Applicant) and outlined the procedure that would be followed for the hearing.

Mr Bone drew Members' attention to the Update Report which had been made available to the Sub-Committee and all interested parties prior to the meeting. The Sub-Committee agreed to receive this Update Report as an addendum to Report LR451.

Mr Bone outlined the contents of the Update Report which set out the conditions that had been agreed between the applicant, Hampshire Constabulary (and Environmental Health), together with those conditions that had not been accepted by the applicant. In light of the dispute between the applicant (Graze Festival Ltd) and the Police, in relation to the contested conditions imposed by the Police, it was suggested that the Sub-Committee initially give consideration to the points raised within the Update Report, with particular reference to the withdrawal of the representation by Hampshire Constabulary, in order to make a definitive decision on whether to proceed with the hearing.

The Sub-Committee then retired in private to give consideration to this matter.

The Sub-Committee reconvened and the Chairman announced that, having taken into account the written email responses (as set out in the Update Report) together with the submission by the Applicant that the email dated 26 May 2015 was not an agreement to all of the conditions imposed by Hampshire Constabulary, but merely an acknowledgement. With regard to

the subsequent response from Hampshire Constabulary dated 3 June 2015, the Sub-Committee considered that the withdrawal of the Police representation was dependant on the applicant being in agreement of all of the conditions imposed, which it considered had not occurred in this instance, nor had the operating schedule been modified to reflect the conditions of the Police. As a result the Sub-Committee concluded, as follows:-

**RESOLVED:-**

That, based on the additional information set out in the Update Report and summarised above, the meeting of the Licensing Sub-Committee proceed accordingly.

Miss Stefanczuk introduced the Report which set out the details of the application and outlined the regulated entertainment that was scheduled to take place at the Graze Festival, Humphries Farm, Hazeley Road, Twyford on Sunday, 30 August 2015. It was reported that the operating schedule would be amended to reflect the conditions outlined on Pages 11 and 12 of the Report, together with those conditions imposed by Hampshire Constabulary that had been agreed by the Applicant, contained in the Update Report, with the exception of the disputed conditions listed.

In respect of the disputed conditions, it was reported that the condition relating to bag searches, as referred to within the Update Report, was addressed by policy within the Event Management Plan (EMP) which requested that bag searches be carried out on an adhoc basis, which attempted to mitigate the concerns of Hampshire Constabulary in this respect.

In response to questions from Members, Miss Stefanczuk stated that the EMP was currently a working document that would need to be revised and submitted by the applicant 28 days prior to the event taking place. It was noted that it was the responsibility of the licence holder to ensure they complied with the conditions of the EMP. However, there were occasions when a breach of the EMP could be considered to be out of the control of the applicant. In these cases, a balanced approach would be required to establish if the breach was relevant to the event and in reasonable control of the applicant.

In conclusion it was reported that, subsequent to the withdrawal of the representation by the Police and their decision to not attend the hearing, there had been no further relevant representations received from the responsible authorities that had not been addressed by conditions.

In response, the applicant Mr Walker, and Mr Myall (on behalf of the applicant), addressed the Sub-Committee to detail the background of the event which would initially take place as a one off in order to gauge interest, with the possibility that this may occur on an annual basis, if proven to be successful.

Mr Walker outlined his previous experience running smaller scale charitable events in the Twyford area, which attracted in the region of 300-400 people (i.e fetes, jubilee celebrations etc). The income generated was put back in to support local community facilities that were struggling to operate (i.e village halls etc). The applicant advised that the event proposed was a follow on from these smaller scale events and as such would be a family focussed festival. Although some music would be provided, it was not envisaged that this would be the sort of music to attract younger groups, larger crowds or the increased potential for anti social behaviour or noise nuisance.

On behalf of the applicant, Mr Myall reported that there were elements contained in the EMP that he considered did not fall under within the licensing remit and, as such, no condition could be attached to a non licensable activity. He made specific reference to the contested policies, as set out in Part A, Section 5 of the Report and reiterated that the applicant was fully accepting of the majority of the conditions imposed by Hampshire Constabulary but was of the opinion that three of the conditions were inappropriate and excessive due to the nature of the event or had already been covered by additional legislation.

In response to questions from Members, Mr Walker confirmed that he was in acceptance of need for bag searches if this was on an adhoc basis and could ensure that this was carried out upon entrance to the event. It was anticipated that the event would attract in the region of 1,500-2,000 people, the majority of whom would be local residents from Twyford and surrounding areas and a parking plan had been agreed.

The Sub-Committee then retired in camera to consider the application.

In her closing remarks, the Chairman stated that the Sub-Committee had carefully considered the application and the representations made. It had taken into account the duties under the Crime and Disorder Act 1998 and the rights set out in the Human Rights Act 1998.

The Chairman thanked all present for attending the meeting and explained all parties' that they would be formally notified in writing of the decision in due course and of their right to appeal to the Magistrates Court within 21 days from the date of the decision letter.

At the conclusion of the meeting, the Chairman commented that she was pleased to see that Drug and Ejection Policies were available, which could be enforced by the Licence Holder, in conjunction with the Police, if deemed necessary.

**RESOLVED:**

That the application for the new premises licence be granted, subject to the conditions below, comprising:-

(a) The agreed conditions as set out within the update report; and

- (b) an additional condition requiring the Premises Licence Holder to ensure that random bag searches are carried out as customers enter the event.

REASONS FOR DECISION:

- (1) The Sub-Committee noted that the majority of conditions proposed by the Police and the Environmental Health Team had been agreed by the applicant, and were satisfied that these should be included in the licence;
- (2) It accepted that given the planned target audience and the size of the event, it was not necessary for every bag to be searched, but that this should be left to the discretion of the applicant's security staff. Similarly, the Sub-Committee felt that in view of the target audience, and the nature of the event, it was unlikely that attendees would seek to smuggle alcohol into the event, and so a condition requiring that bottles to be sealed and unopened was unnecessary; and
- (3) The Sub-Committee considered that any licence should include sufficient conditions to deal with licensing matters. The event management plan included matters which were not, and could not be, covered by licence conditions, and therefore it would not be appropriate to impose a condition that would require the Licence Holder to comply with each provision of the Event Management Plan (EMP).

Conditions

LICENSING OBJECTIVES – GRAZE FESTIVAL

Event Management Plan

A1. The Premises Licence Holder shall submit an initial Event Management Plan to the Licensing Authority at least 60 days in advance of the event. A final Event Management Plan shall be submitted to the Licensing Authority at least 28 days in advance of the event. No changes to this EMP can be made without the written authorisation of the licensing authority

Site Plan

A2. The Premises Licence Holder shall submit a site plan to Ordnance Survey standard (or similar) to the satisfaction of the Licensing Authority, at least 28 days in advance of the event.

CRIME AND DISORDER

CD1. All staff shall be issued with a wristband identifying them as staff working at the event

CD2. The Premises Licence Holder shall maintain a register giving details of each and every person employed in the role of a security and shall provide upon request by any Police Officer or Council Officer, the following details:-

- a. The licence number, name, date of birth and residential address of that person;
- b. The time at which he/she commenced that period of duty;
- c. The time at which he/she finished the period of duty;
- d. Any times during the period of duty when he/she was not on duty;
- e. If that person is not an employee of the licence holder, the name of the person by whom that person is employed or through whom the services of that person were engaged;
- f. The register shall be made available to Police or the Licensing Authority on request; and
- g. This register shall be in paper or digital format.

CD3. Any person employed by the Licence Holder carrying out security/marshalling/stewarding activities shall wear a high visibility tabard/jacket clearly marked with their role on the back.

CD4. Every entry/exit point to the venue shall be manned by an appropriately accredited SIA person.

CD5. All accredited security persons shall be linked via radio.

CD6. The Premises Licence Holder shall ensure that any person appearing to be under the influence of illegal drugs shall be refused entry.

CD7. Customers shall not be permitted to bring their own alcohol onto the site.

CD8. No glass containers or bottles shall be allowed inside the event site, Bottle banks shall be located at the event site entrances to facilitate disposal.

CD9. Upon request by a responsible authority the holder of the premises licence or an agent on behalf of and under the authority of the licence holder shall provide precise information regarding the number of people present on the site at the given time during which licensable activities are taking place.

CD10. There shall be a facility on site to deal with persons taken unwell or injured during the course of the event. This facility shall be open at all times that the site is open to members of the public.

CD11. The medical facility shall have access to a radio connecting to the site control.

CD12. There shall be a written drugs policy in place for the event. This policy shall be agreed between the licence holder and the Police in writing and this policy shall be implemented whilst licensable activity is taking place.

CD13. There shall be a written ejection policy in place for the event. This policy shall be agreed between the licence holder and the Police in writing and this policy shall be implemented whilst licensable activity is taking place.

CD14. A fire risk assessment shall be performed prior to the event. A copy shall be made available to the Police and relevant licensing authorities on request.

CD15. Heras fencing shall be erected around buildings and areas that cause a safety risk. A plan of the fencing must be submitted in the final EMP.

CD16. No fireworks/pyrotechnics shall be used at the event.

CD20. The Premises Licence Holder shall ensure that random bag searches are carried out as customers enter the event.

## PUBLIC SAFETY

PS1. The Premises Licence Holder shall not permit the following, without prior agreement of the Licensing Authority at least 28 days before the event, in which case additional details may be required:

- (ii) Animals on the licensed site, other than guide dogs, helper dogs and dogs from Enforcement Agencies

PS2. The Premises Licence Holder shall not permit the following:

- (i) Tattooing or other invasive skin piercing
- (ii) Any activity which involves members of the public inhaling gases or using herbal highs.

## PUBLIC NUISANCE

PN1. The Premises Licence Holder shall submit a Noise Management Plan to the satisfaction of the Licensing Authority at least 28 days before the event. This shall include the arrangements in accordance with conditions PN2 and PN3 below.

PN2. The Premises Licence Holder will ensure that a nominated person carries out periodic checks at nearest residential properties to ensure that noise levels are kept within reasonable limits and do not cause undue disturbance to neighbours. Such checks must be recorded.

PN3. The Premises Licence Holder shall provide public information for local residents to include details of the opening times of the event, time that music will cease, road closure arrangements that may affect local residents and details of a dedicated telephone hotline number which residents can call in case of complaint.

## PROTECTION OF CHILDREN

CP1. There shall be a Child Welfare Area within the licensable area (adjacent to the Event Control Centre) dedicated to dealing with child welfare and vulnerable adults. Persons staffing these areas shall be DBS checked. These checks and qualifications shall be documented and provided to Police on request.

CP2. There shall be no less than two staff working in the Child Welfare Area when dealing with children. No person shall be left alone with a child / children at any time.

CP3. There shall be a written policy in place stating how the event management shall deal with lost children and vulnerable adults.

CP4. Wristbands enabling children to have parents contact details written on them shall be offered to children attending the event.

The meeting commenced at 10.00am and concluded at 11.45am.

Chairman