

**LICENSING SUB – COMMITTEE**

29 June 2015

Report of the Head of Environmental Health & Licensing

Contact Officer: Anya Pyke. Tel No: 01962 848443

Application: New Premises Licence

Premises: Graze Festival, Humphries Farm, Hazeley Road, Twyford,  
Winchester, Hampshire, SO21 1QA

**Part A. Report**

- 1 Application**
- 2 Responsible Authorities**
- 3 Other Representations**
- 4 Observations**
- 5 Conditions**
- 6 Other Considerations**

**Part B. Appendices**

- Appendix 1 Application**
- Appendix 2 Representations from Responsible Authorities**
- Appendix 3 Other Appendices**

**Part A.****1. Application**

**Applicant:** Graze Festival Ltd

**Premises:** Graze Festival, Humphries Farm, Hazeley Road, Twyford, Winchester, Hampshire, SO21 1QA

- 1.1 This report relates to an application for a new premises licence under Section 17 of the Licensing Act 2003 for Graze Festival, Humphries Farm, Hazeley Road, Twyford, Winchester, Hampshire, SO21 1QA.
- 1.2 The purpose of the application is to provide regulated entertainment consisting of plays, films, live and recorded music, and dance on Sunday 30 August 2015.
- 1.3 The provision of plays is for the hours of 1100 to 2300 on Sunday 30 August 2015.
- 1.4 The provision of films is for the hours of 1100 to 2300 on Sunday 30 August 2015.
- 1.5 The provision of live music is for the hours of 1100 to 2300 on Sunday 30 August 2015.
- 1.6 The provision of recorded music is for the hours of 1100 to 2300 on Sunday 30 August 2015.
- 1.7 The provision of dance is for the hours of 1100 to 2300 on Sunday 30 August 2015.
- 1.8 Representations were received from Hampshire Constabulary, a Responsible Authority under the Licensing Act 2003.
- 1.9 No representations have been received from Other Persons.
- 1.10 The applicant has confirmed in their application that they will submit an initial event management plan (EMP) to the Licensing Authority 60 days prior to the event and a final EMP shall be supplied no later than 28 days prior to the event. This condition can be found on page 14 of Appendix 1.
- 1.11 Notice of the application was displayed outside of the premises for a period of 28 days until 2 June 2015, and advertised in the Hampshire Chronicle on 14 May 2015.

- 1.12 The applicant has offered steps to promote the licensing objectives. These can be found in Section 5, under All Licensing Objectives. The items in italics have been proposed by Environmental Health and agreed with the applicant. The items in bold were proposed by the Hampshire Constabulary but these have not been agreed.
- 1.13 The Operating Schedule, copied at Appendix 1, proposes the Relevant Licensable Activities.
- 1.14 Notices of the hearing were sent to all Parties on 12 June 2015.

**Designated Premises Supervisor**

**N/A** – the applicant has confirmed that the supply of alcohol will be provided at the event using the Temporary Event Notice (TEN) process.

**Steps to promote the Licensing Objectives**

Please see Section Q Appendix 1

## **Relevant Representations**

### **2. Responsible Authorities**

All of the Responsible Authorities have been served with a copy of the application. The representations received are as follows:

#### **Head of Environment**

- Representations were received and conditions agreed with the applicant.

#### **Hampshire Constabulary**

- Representations received relating to all four licensing objectives.

#### **Hampshire Fire and Rescue Service**

No representations received.

#### **Child Protection Team**

No representations received.

#### **Head of Building Control**

No representations received.

#### **Head of Safety Standards**

No representations received.

#### **Public Health Manager**

No representations received.

#### **Licensing Authority**

No representations received.

3. **Representations from Other Persons**

No representations have been received.

#### **4. Observations**

The Sub-Committee is obliged to determine this application with a view to promoting the Licensing Objectives:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

In making its decision, the Sub-Committee is also obliged to have regard to the National Guidance and the Council's Licensing Policy.

The Sub-Committee must have regard to all of the representations.

The Sub-Committee must take such of the following steps it considers appropriate to promote the Licensing Objectives:

1. Grant the licence subject to conditions in accordance with the operating schedule (modified to such extent as the authority considers appropriate for the promotion of the licensing objectives) and the mandatory conditions;
2. exclude from the scope of the licence any of the licensable activities to which the application relates;
3. refuse to specify a person in the licence as the premises supervisor;
4. reject the application.

#### **Terminal hours**

The Sub-Committee should take account of the National Guidance and the Council's Licensing Policy with regard to terminal hours and take such steps as it considers appropriate to promote the Licensing Objectives.

(Licensing Policy Part 4, A8)

#### **Licensing Objectives.**

##### Crime and Disorder

The Sub-Committee should consider any appropriate conditions to prevent crime and public disorder relating to the premises having regard to the operating schedule and the representations.

(Licensing Policy 1.6, 2.11, 2.17)

### Public Safety

The Sub-Committee should consider any appropriate conditions relating to public safety relating to the premises having regard to the operating schedule and the representations.

(Licensing Policy Part 4, B3, B4)

### Public Nuisance

The Sub-Committee should consider any appropriate conditions to prevent public nuisance caused by noise and light pollution from the premises relating to the premises having regard to the operating schedule and the representations.

(Licensing Policy Part 4, Section C)

### Protection of Children

The Sub-Committee should consider any necessary conditions for the Protection of Children relating to the premises having regard to the operating schedule and the representations.

(Licensing Policy Part 4, D6, D7)

### **Human Rights**

It is considered that Articles 6 (right to a fair trial) 8 (right to respect for private and family life) and Article 1 of the First Protocol (right to peaceable enjoyment of possessions) may be relevant. As there is a right of appeal to the Magistrates' Court, it is considered that there would be no infringement of Article 6. Article 8 is relevant, insofar as the nearby residents could claim that this right would be infringed by disturbance from customers. This should be balanced against the applicants' right to use of their premises under Article 1 of the First Protocol. Interference with these rights is permitted, where this interference is lawful, appropriate in a democratic society, and proportionate. Likewise, the residents may argue that their rights under Article 1 of the First Protocol would be infringed. If conditions are imposed, there should be no interference with any convention rights. To the extent that any interference may occur, it would be justifiable in a democratic society, and proportionate.



## 5. Conditions

### Mandatory Conditions

1. Where individuals are required on premises to carry out security activities, they must be licensed by the Security Industry Authority.
2. No film shall be exhibited unless it has received a U, PG, 12, 15 or 18 certificate from the British Board of Film Classification, or it is a current newsreel which has not been submitted to the British Board of Film Classification. The admission of children shall be restricted in accordance with the recommendations of the British Board of Film Classification.

### Possible Conditions

If the application is granted, the Sub-Committee may wish to consider the following conditions to reflect the Operating Schedule:

#### Operating Hours

1. The hours the premises may be used for regulated entertainment shall be:

Plays, films, live music, recorded music and performance of dance:

- (i) **Sunday 1100 to 2300**

### All Licensing Objectives

1. The Premises Licence Holder shall notify the Safety Advisory Group prior to each event and submit an initial Event Management Plan to the Licensing Authority at least 60 days in advance of each event with a final Event Management Plan to the satisfaction of the Licensing Authority at least 28 days in advance of each event.
2. **The final event management plan (EMP) will include: venue and site design, traffic management, noise management, site safety, crowd management, emergency procedures, medical provisions, security and stewarding, bars traders and concessions, waste management, welfare facilities, sanitary facilities.**

3. **No changes to this EMP can be made without the written authorisation from the licensing authority responsible for the area.**

4. **Policies**

(a) **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.**

(b) **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.**

(c) **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.**

(d) **The licence holder shall comply with the most recent event management plan for the event. The Police shall have access to the most recent event management plan on request. Any breach of the event management plan shall be seen as a breach of the premises licence.**

**Crime and Disorder**

1. A secure perimeter fence shall be erected at strategic points around the event site, prior to the start of the event, together with security staff available at all times.

2. No glass containers or bottles shall be allowed inside the event site, with the exemption of approved event traders. Bottle banks shall be located at the event site entrances to facilitate disposal.

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

4. **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 Licence Authority on request**

**This register shall be in paper or digital format.**

**Any person employed by the Licence Holder carrying out security/marshalling/stewarding activities shall wear an orange fluorescent/reflective tabard/jacket clearly marked with their role on the back.**

- 5. Every entry/exit point to the venue shall be manned by an appropriately accredited SIA person.**
- 6. All accredited security persons shall be linked via radio**
- 7. The Premises Licence Holder shall ensure that bag searches are carried out as customers enter the event.**
- 8. The Premises Licence Holder shall ensure that any person appearing to be under the influence of illegal drugs shall be refused entry.**
- 9. Customers shall not be permitted to bring their own alcohol onto the site.**
- 10. The Premises Licence Holder shall ensure that customers are allowed to bring their own bottles of water so long as they are sealed and unopened.**
- 11. 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 and agreed by all relevant authorities.**

### **Public Safety**

- 1. No animals, other than guide dogs, assistance dogs and dogs from enforcement agencies are allowed onto the site.**
- 2. *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:***

- i. Animals on the licensed site, other than guide dogs, helper dogs and dogs from Enforcement Agencies*
  - ii. Tattooing or other invasive skin piercing*
  - iii. Any activity which involves members of the public inhaling gases or using herbal highs.*
- 3. 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**
- 4. 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.**
- 5. The medical facility shall have access to a radio connecting to the site control.**

### **Public Nuisance**

1. The Premises Licence Holder shall produce a Traffic Management Plan (TMP). The final TMP shall be submitted to the Licensing Authority no later than 28 days before the start of the event.
2. The Premises Licence Holder shall produce a Noise Management Plan (NMP). The final NMP shall be submitted to the Licensing Authority no later than 28 days in advance of the event. *This shall include the arrangements in accordance with the conditions 3 and 4 below.*
3. *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.*
4. *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.*
5. At least 28 prior to an event the Premises Licence Holder shall provide to the licensing authority a telephone number for contacting the licence holder or a nominated representative during the course of an event.
- 6. No fireworks/ pyrotechnics shall be used at the event.**

**Protection of Children**

1. **There shall be an area within the licensable area dedicated to dealing with child welfare and vulnerable adults. Persons staffing these areas shall be CRB checked or have the appropriate similar legal checks performed and have the necessary qualifications to look after children or vulnerable adults. These checks and qualifications shall be documented and provided to Police on request**
2. **Staff working in the child welfare area shall work in a minimum of twos when dealing with children and shall not be left alone with them at any time.**
3. **Staff working in this area shall have access to a radio connecting with Event Control.**
4. **There shall be a written policy in place stating how the event management shall deal with lost children and vulnerable adults.**
5. **Wristbands enabling children to have parents contact details written on them must be offered to children attending the event.**

## **6. Other Considerations**

### **Corporate Strategy (Relevance To:)**

This report covers issues which affect the principles of Active Communities, a Prosperous Economy, and a High Quality Environment.

### **Resource Implications**

The application fee of £100 has been received. It is anticipated that an appropriate level of officer attendance will be provided within the existing budget.

### **Appendices**

1. Application from Graze Festival Ltd.
2. Representation received from Hampshire Constabulary.
3. Map of premises location.