

LICENSING SUB-COMMITTEE

Wednesday, 21 August 2019

Attendance:

Councillors

Green (Chairman)

Laming

Read

Officers in attendance:

Miss B Appletree – Licensing Officer
Miss C Stefanczuk – Licensing Manager
Ms C Tetstall – Licensing Solicitor

Others in attendance who did not address the meeting:

Councillor Clementson

1. **TEMPORARY EVENT NOTICE - MIDDLE FARM, NORTH END LANE, CHERITON, HANTS, SO24 0PW**

(Report LR528 refers)

The Chairman welcomed to the meeting: Tricia Knight, on behalf of the applicant and Colin Pollard, on behalf of the Chief Officer of Hampshire Constabulary, who is a relevant person for the purposes of Temporary Event Notices.

Miss Appletree introduced the Report which set out the details of the application. In summary, she explained that an application to hold an event under a Temporary Event Notice (TEN) at the premises, Middle Farm, North End Lane, Cheriton for Alresford Young Farmers had been made under Section 100 of the Licensing Act 2003.

The notice proposed that the event would take place from 20.00 hours on 7 September 2019 until 02:00 hours on 8 September 2019, to be held within a barn at the address. However, the exact location had not been specified. This was for the sale by retail of alcohol for consumption on the premises only as a licensable activity and included details of a DJ at the event, but regulated entertainment had not been selected as a licensable activity. However, it was noted that given the details and the timings of the event set out in the

application, this activity would be licensable as regulated entertainment. The full TEN application was set out in Appendix 1 of the report.

Miss Appletree reported that Hampshire Constabulary and Environmental Health had been consulted as the relevant persons for TEN applications. Environmental Health had made no objection to the application. However, Hampshire Constabulary had made an objection to the application in respect of the prevention of crime and disorder and public safety licensing objectives. A copy of their representation was set out in Appendix 2 of the report.

Miss Appletree outlined the process to be taken in the consideration of TEN applications and reminded the Sub-Committee that there was no provision to attach conditions as there was no premises licence or club premises certificate in effect at the premises.

In response to Members questions regarding the South Downs National Park policies in respect of tranquillity and dark skies, Ms Tetstall clarified that the Licensing Sub-Committee were required to have regard to the purposes of the National Park. However, this would not prevent any event from taking place as a balanced approach was to be considered.

At the invitation of the Chairman, Colin Pollard addressed the Sub-Committee to present the objection raised on behalf of the Chief Officer of Hampshire Constabulary. Mr Pollard stated that the objection to the TEN application for this event was not a reflection of the Young Farmers Association or any other event held by them. The objection had been submitted as a result of an identical TEN event which had taken place from 20:00 hours on 1 September 2018 until 0100 hours on 2 September 2018 and was hosted by the named applicant in the same location following the Alresford Agricultural Show. The 2018 event was for 100 people and had failed to demonstrate promotion of the licensing objectives under the Licensing Act 2003.

Mr Pollard summarised the incidents that had occurred as result of the 2018 event and stated that the Police were called to attend this event by the security team and following the concerns of the neighbourhood team regarding the level of alcohol consumption. On arrival, the Police noted that a female 'heavy in drink' had witnessed a drunken male indecently touch another female. In addition, a drunken male had arrived at the event, having previously been banned from events due to his behaviour. He had become verbally aggressive when refused entry by the security team. Before the Police had arrived at the scene, the same male had attempted to gain entry again and was escorted out by the security resulting in the drunken male taking a swing at one of the security team, catching him with a glancing blow to his head.

It was reported that there was no injury sustained and that the security team member did not wish to make a statement or a formal complaint about this incident. In the process of ejection, the drunken male had tripped on the uneven car park surface and had hit his forehead on the ground resulting in a head injury. First responders were already on the scene treating a female for a suspected overdose so the drunken male was left in their care awaiting the arrival of an ambulance.

Despite numerous attempts to make contact with the TEN holder following the 2018 event, Mr Pollard stated that no communications had been received, therefore Hampshire Constabulary had been unable to address the shortcomings of the 2018 event and the incidents which raised concerns regarding the prevention of crime and disorder and public safety licensing objectives.

Mr Pollard stated that the Alresford Agricultural Show was a 20,000 person capacity event taking place on the same dates as the proposed 2019 event. By having a TEN in place with an increased number of persons to 150 and an extended terminal hour of 20:00 hours on 7 September 2019 until 02:00 hours on 8 September 2019, this event was seen as an 'after party' event taking place when alcohol would have already been consumed throughout the day at the agricultural show.

In conclusion, Mr Pollard stated that with no contact received from the TEN holder following last year's event or prior to the submission of this TEN application, Hampshire Constabulary considered that a 2019 event would see an increased level of alcohol, drunkenness and disturbance which further undermined the public safety licensing objective and urged the Sub-Committee to consider the statute and Licensing Policy and to advise the licensing authority to issue a counter notice for this TEN application to prevent the event from taking place, in order to promote the public safety licensing objective.

At the invitation of the Chairman, Tricia Knight (on behalf of the applicant) addressed the Sub-Committee. In summary, she stated that this was a party for Alresford Young Farmers club members only following the Alresford Agricultural Show and that although Alresford Young Farmers had a stand at the show to encourage the recruitment of new members, representatives of the club did not drink all day at the show when manning the stall. Ms Knight stated that the incidents that had occurred during the 2018 event were a one off, largely as a result of selling tickets on the door and occurred as a result of an ex member being refused entry. Following the submission of this TEN application, the premises user did not realise that he could submit additional information regarding management of the event to the application. Furthermore, the premises user did not know that Hampshire Constabulary had been trying to contact him regarding the 2018 event otherwise he would have been fully co-operative.

A number of control measures were suggested in conjunction with the TEN application for this year, with a stipulation that there would be no ticket sales on the door and that all attendees must be known to the Alresford Young Farmers Committee, hold a valid membership card and that the full names of members and their guests (non members to be accompanied by a member only) would be recorded when tickets were purchased. It was considered that this would significantly reduce the risk of people turning up on the door at the event. In addition, the premises user was offering additional stewards and bar staff to monitor alcohol consumption; together with bag searches and a zero tolerance policy to drugs. However, it was noted that there had never been an issue in this respect.

In summing up, Ms Knight stated that with these additional measures in place, it was considered that the 2019 event would be a fun, safe and responsible event with adequate procedures in place to prevent the unfortunate incidents that had previously occurred in 2018.

In response to questions from the Sub-Committee, Ms Knight stated that in order to provide reassurance at the 2019 event, a contact list for the premises user and the management team at the event would be made available to all relevant persons prior to the event.

Ms Tetstall and Miss Appletree clarified that whilst a contact list may be provided, it would still be the premises user who was ultimately responsible for any issues which occurred as a result of the event taking place under the TEN.

In response to the points raised by the applicant, Mr Pollard stated that whilst he welcomed and commended the measures suggested by Ms Knight, he did not consider that the applicant had appropriately addressed the concerns of Hampshire Constabulary following the incidents that had taken place at the 2018 event. He stated that Hampshire Constabulary were not satisfied that the event was taking place on the same dates as the all-day Alresford Agricultural Show where alcohol was also available and as a result they expected further issues in respect of crime and disorder to occur.

The Sub-Committee retired to deliberate in private.

In his closing remarks, the Chairman stated that the Sub-Committee had carefully considered the objection of Hampshire Constabulary, and the response of the Applicant. 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 and had regard to the purposes of the National Park.

The Sub-Committee concluded that a counter notice should be given in respect of the Temporary Event Notice. This means that the activities, as set out in the Temporary Event Notice may not take place.

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

RESOLVED:

1. That a counter notice be issued in respect of the Temporary Event Notice at Middle Farm, North End Road, Cheriton and the activities, as set out in the Temporary Event Notice may not take place for the following reasons:

REASON

1. The applicant's failure to communicate with Hampshire Constabulary, which might have resulted in the application being modified by agreement prior to the hearing, as set out in the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 at paragraph 7.3.7;
2. No measures had been provided in the application to reduce the possibility of crime and disorder, which the Sub-Committee consider likely based on the 2018 event.

The meeting commenced at 10.00 am and concluded at 11.00 am

Chairman