



Meeting Licensing Sub-Committee

Date and Time Wednesday, 21st August, 2019 at 10.00 am.

Venue Wykeham Room, Guildhall, Winchester

AGENDA

1. **Temporary Event Notice - Middle Farm, North End Lane, Cheriton, Hants, SO24 0PW (LR528) (Pages 3 - 24)**

L Kirkman
Corporate Head of Resources and Monitoring Officer

13 August 2019

Agenda Contact: Claire Buchanan, Senior Democratic Services Officer
Tel: 01962 848 438 Email: cbuchanan@winchester.gov.uk

The Membership of the Sub-Committee will be:

Cllrs Green (Chairman), Laming and Read

Appointments - The Sub-Committee consists of a Chairman and two other Members who are appointed on a rota basis from the membership of the full Licensing and Regulation Committee (not including deputies) subject to availability. Four Members of the Committee have been nominated as Chairmen for the sub-committee and are also appointed on a rota basis.

For information, the Membership of the Licensing and Regulation Committee is:
Councillors: Bentote, Achwal, Clementson, Cook, Fern, Gemmell, Gordon-Smith, Green, Laming, Mather and Williams (deputies: Cllrs Clear, McLean, Power and Read)

Licensing Sub Committee – Procedure for Hearing Objections to Temporary Event Notices

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, the hearing will take the form of a discussion led by the Sub-Committee. Cross-examination will not be permitted unless the Sub-Committee considers it necessary to properly consider the matter.

Only the applicant and the objector will be entitled to be heard as of right by the Sub-Committee.

1. The **Chairman** will set out the procedure to be followed in the hearing
2. The **Licensing Manager** will introduce the Report.
3. The Members may ask questions of the **Licensing Manager**.
4. The **Objector** or representative may address the Sub-Committee and present their objection
5. Members of the Sub-Committee may ask questions of the **Objector** or representative
6. The **Applicant** or representative may ask questions of the **Objector** or representative.
7. The **Applicant** may address the Sub-Committee.
8. The **Objector** may ask questions of **the Applicant**.
9. The **Sub-Committee** may ask questions of the **Applicant** or representative
10. The **Objector** or representative may address the Sub-Committee in order to clarify any issues or points raised by **the Applicant**.

The Committee will retire to consider the matter in private with only the Head of Legal and Democratic Services' representative and Committee Administrator in attendance. The Committee will reach its determination and notify the applicant of the decision in accordance with Regulations 26 – 29 of the Licensing Act 2003 (Hearings) Regulations 2005.

Agenda Item 1

LR528
FOR DECISION
WARD(S): UPPER MEON VALLEY

LICENSING SUB – COMMITTEE

Wednesday 21 August 2019, 10:00 at Guildhall Winchester

Report of the Service Lead for Public Protection

Contact Officer: Briony Appletree

Tel No: 01962 848 188

Application: Temporary Event Notice

Premises: Middle Farm, North End Lane, Cheriton, Hampshire, SO24 0PW

Part A. Report

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

Part B. Appendices

- Appendix 1 Application**
- Appendix 2 Objections from Relevant Persons**
- Appendix 3 Other Appendices**

Part A.

1. Application

Applicant: Mr Jack Carpenter

Premises: Middle Farm
North End Lane
Cheriton
Hampshire
SO24 0PW

- 1.1 This is an application to hold an event under a Temporary Event Notice (“TEN”) pursuant to section 100 of the Licensing Act 2003, outlining the proposal for an event to take place at Middle Farm, North End Lane, Cheriton, Hampshire, SO24 0PW for Alresford Young Farmers.
- 1.2 The event is proposed to take place from 20:00 on 7 September 2019 to 02:00 on 8 September 2019.
- 1.3 The notice specifies that the event will take place within a barn at the address, however, the exact location has not been specified.
- 1.4 The notice specifies the sale by retail of alcohol (for consumption on the premises only) as a licensable activity.
- 1.5 The notice also includes details of a DJ at the event, but regulated entertainment has not been selected as a licensable activity. Given the details and timings of the event provided in the application this activity would be licensable as regulated entertainment.
- 1.6 The notice states that no more than 150 people will be on the premises at any one time whilst licensable activities are taking place. This includes any staff, organisers or performers.
- 1.7 The application was received by the licensing authority on 7 August 2019, which is within the required time limits as outlined in section 100(7) of the Licensing Act 2003; that is, notice must be given to the licensing authority no later than ten working days before the day on which the event period begins.
- 1.8 The Temporary Event Notice, as shown in Appendix 1, details the proposed dates, times and licensable activities.
- 1.9 Hampshire Constabulary made an objection to this Temporary Event Notice with regard to the prevention of crime and disorder and public safety licensing objectives. This objection was received on 9 August 2019, which was within the time limits outlined in section 104(3) of the Licensing Act 2003; that is, no later than the end of the third working

day after the police is given a copy of the notice. The objection can be seen in Appendix 2.

1.10 Environmental Health made no objection to this notice.

1.11 Notices of the Hearing were sent to all Parties on 13 August 2019.

Objections

2. Relevant Persons

Both the Police (Hampshire Constabulary) and Environmental Health, being the “Relevant Persons” for TEN applications, were served with a copy of the notice on 7 August 2019. No other Responsible Authorities are required to be notified of applications under a TEN. The objections received are as follows:

Environmental Health

No objection received.

Hampshire Constabulary

Objection was made by Colin Pollard of Hampshire Constabulary, who has the delegated authority of the Chief Officer of Police in respect of his responsibilities under the Licensing Act 2003. The objection has been made with regard to the prevention of crime and disorder and public safety licensing objectives. The full objection can be seen in Appendix 2.

3. Observations

The Sub-Committee is obliged to determine this application for an event under a Temporary Event Notice 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 objections.

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

1. Grant the TEN in accordance with the application.

OR

2. reject the application.

The Sub-Committee must have regard to the South Downs National Park purposes when considering applications to ensure they are respected. The purposes are:-

- (a) Purpose 1 – to conserve and enhance the natural beauty, wildlife and cultural heritage of the area.
- (b) Purpose 2 – to promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.

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 the potential for crime and public disorder relating to the premises having regard to the notice and the objections.

(Licensing Policy 1.9, 2.11, 2.17 and Part 4 Section A)

Public Safety

The Sub-Committee should consider any concerns relating to public safety having regard to the relating to the premises having regard to the notice and the objections.

(Licensing Policy Part 4, B2, B3)

Public Nuisance

The Sub-Committee should consider the potential for public nuisance caused by noise pollution from the premises relating to the premises having regard to the notice and the objections.

(Licensing Policy Part 4, Section C)

Protection of Children

The Sub-Committee should consider any concerns relating to the protection of children relating to the premises having regard to the notice and the objections.

(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. To the extent that any interference may occur, it would be justifiable in a democratic society, and proportionate.

4. Conditions

The Licensing Act 2003 at section 106A provides that only the licensing authority can impose conditions to a Temporary Event Notice from the existing conditions on the premises licence or club premises certificate at the venue. The licensing authority can only do so:

- if the Police or Environmental Health have objected to the TEN;
- if that objection has not been withdrawn;
- if there is a licence or certificate in relation to at least a part of the premises in respect of which the TEN is given;
- and if the licensing authority considers it appropriate for the promotion of the licensing objectives to impose one or more conditions.

Middle Farm, the premises, does not currently have an existing premises licence or club premises certificate and therefore conditions cannot be imposed.

5. Other Considerations

Council Strategy Outcome (Relevance To:)

This report relates to the fourth Strategic Outcome; 'Improving the quality of the District's environment' by working with partners and using powers available to us to make Winchester a safe and pleasant place to live, work and visit.

Resource Implications

A statutory fee of £21.00 has been received. It is anticipated that an appropriate level of officer attendance will be provided within the existing budget.

Appendices

1. Temporary Event Notice given by Mr Jack Carpenter
2. Objections by Responsible Authorities
3. Map of premises location.

Winchester City Council

City Offices, Colebrook Street, Winchester, SO23 9LJ

T: 01962 00000

E: licensing@winchester.gov.uk

Ref: DSFX1565114464161

Temporary Event Notice

Personal Details of Premises User

Your Name (please read note 1)

Title *

Mr

First Name *

Jack

Surname *

Carpenter

Have you been known by any previous names, including a maiden name? *

No

Personal Details of Premises User

Date of Birth *

[REDACTED]

Place of Birth *

Winchester

National Insurance Number *

[REDACTED]

Current Address

We will use this address and contact details to correspond with you unless you specify an alternative correspondence address.

Street Address *

Town/City *

Postcode *

Daytime Telephone Number *

Evening Telephone Number

Mobile Telephone Number

Fax Number

Email Address *

Do you have an alternative correspondence address you would like us to use? *

The Premises

Premises Address

Does a premises licence or club premises certificate have effect in relation to the premises, or any part of the premises? If so, please select and enter the Premises Licence Number or Club Premises Certificate Number.*

Premises

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details. (Please read note 3)

In a barn

Please describe the nature of the premises. (Please read note 4) *

Will be on a farm

Please describe the nature of the event. (Please read note 5) *

It is a Alresford young farmer party

Licensable Activities

Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6) * More than one can be selected.

The sale by retail of alcohol

The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club

The provision of regulated entertainment (Please read note 7)

The provision of late night refreshment

Are you giving a late temporary event notice? (Please read note 8) *

Yes

Please state the dates on which you intend to use these premises for licensable activities (Please read note 9). * Start Date

07/09/2019

End Date

08/09/2019

Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 10) *

Start at 20:00pm and finish at 02:00 am

Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 11) *

150

If the licensable activities will include the sale or supply of alcohol, please state whether these will be for consumption on or off the premises, or both (please read note 12). *

On the premises only

Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment (including, but not limited to lap dancing and pole dancing). (Please read note 13) *

There will be a DJ at the party

Personal Licence Holder

Do you currently hold a valid personal licence? (please read note 14)*

No

Personal Licence Details

Issuing Licensing Authority *

Bournemouth

Licence number *

Date of issue *

Please provide any further details you think may be relevant.

Previous Temporary Event Notices

Have you previously given a temporary event notice in respect of any premises, for events falling in the same calendar year as the event for which you are now giving this temporary event notice? (please read note 15) *

Yes

Previous Event Notice

Please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year. *

1

Previous Temporary Event Notices

Have you already given a temporary event notice for the same premises in which the event period either; ends 24 hours or less before begins 24 hours or less after the event period proposed in this notice? *

Yes

Associates and Business Colleagues

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (please read note 16) *

No

Associates and Business Colleagues

Has any associate of yours already given a temporary event notice for the same premises in which the event period; a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? *

No

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? *

No

Associates and Business Colleagues

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? *

No

Declaration

Please ensure you submit all the information required to support your proposal. Failure to submit all the information required could result in your notice being deemed invalid. It will not be considered valid until all the information required by the licensing authority has been submitted. Please read guidance note 17 for further information. I understand that a copy of this notice will be sent to the chief officer of police for the area in which the premises are situated. I understand that a copy of this notice will be sent to the local authority exercising environmental health functions for the area in which the premises are situated. If the premises are situated in one or more licensing authority areas, I understand that the issuing authority will send at least one copy of this notice to each additional licensing authority. If the premises are situated in one or more police areas, I understand that the issuing authority will send a copy of this notice to each additional chief officer of police.

It is a condition of this temporary event notice that where the relevant licensable activities described include the supply of alcohol that all such supplies are made by or under the authority of the premises user. (please read note 18)

The information contained in this form is correct to the best of my knowledge and belief. I understand that it is an offence: (i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; and (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six months, or to both.

Name of Person Signing *

Jack carpenter

Date *

06/08/2019



Declaration Made

Email confirmation

On submission an email confirmation will be sent using the details below

Forename

Jack

Surname /Company Name

Carpenter

Email *

[REDACTED]

Telephone

[REDACTED]

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RESTRICTED

**New grant or variation of premises licence
Or club premises certificate
Form for representations from Hampshire Constabulary**

Before completing this form, please refer to FPP 07001 (Licensing (Licensing Act 2003))

Hampshire Constabulary is a responsible authority and wish to make a representation regarding under the Licensing Act 2003, regarding the:

| | |
|--|---------------------------------|
| <input type="checkbox"/> 1: Grant for a personal licence | (Object within 14 days) |
| <input checked="" type="checkbox"/> 2: Grant for a temporary event notice (TEN) | (Object within 3 days) |
| <input type="checkbox"/> 3: Transfer of a premises licence | (Object within 14 days) |
| <input type="checkbox"/> 4: Variation of designated premises supervisor | (Object within 14 days) |
| <input type="checkbox"/> 5: Grant/Variation of a premises licence/club prem' certificate | (Object within 28 days) |
| <input type="checkbox"/> 6: Minor variations | (Object within 10 working days) |

| | |
|-----------------------|----------------|
| Name of Applicant: | Jack CARPENTER |
| Name of Proposed DPS: | |

| |
|--|
| Details of relevant conviction (Personal Licence Applications ONLY) |
| |

| | |
|-----------------------------|--|
| Postal address of premises: | Middle Farm, North End Lane, Cheriton, Hampshire |
| Postcode: | SO24 0PW |

Details of responsible authority applicant

| | |
|---|--|
| Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other title / Rank: | 16866 |
| Surname: Pollard | First Names: Colin |
| Current postal address : | Bishops Waltham Police Station, Hoe Road, Bishops Waltham, |
| Postcode: | SO32 1DS |
| Daytime telephone number: | 02380 479578 |
| E-mail address: (optional) | colin.pollard@hampshire.pnn.police.uk |

Hampshire Constabulary is a responsible authority and the applicant has the delegated authority of the Chief Officer of Police in respect of his responsibilities under the Licensing Act 2003

RESTRICTED
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**New grant or variation of premises licence
Or club premises certificate
Form for representations from Hampshire Constabulary**

This application to object relates to the following licensing objective(s)

- | | | |
|---|-------------------------------------|--|
| 1) The prevention of crime and disorder | <input checked="" type="checkbox"/> | <i>Please select one or more boxes</i> |
| 2) Public safety | <input checked="" type="checkbox"/> | |
| 3) The prevention of public nuisance | <input type="checkbox"/> | |
| 4) The protection of children from harm | <input type="checkbox"/> | |

Please state the ground(s) for representation:

A TEN was submitted by the same applicant Mr Jack CARPENTER for 01st & 2nd September 2018 for the same location/event until 0100 for up to 100 people.

It turned out the 2018 event followed on from the Alresford Agricultural Show which attracts up to 20,000 people for an all day event which includes the sale and consumption of alcohol.

Police were called to this TEN event in 2018 RMS: 44180331517 refers. On arrival police noted a female 'heavily in drink' who said she had witnessed a drunk male put his hand down another females trousers. A further entry said:

'A named male has arrived an an outdoor Farmers event heavily in drink. He has previously been banned from such events due to his behaviour. He was refused entry and became verbally aggressive towards the security team. Police were dispatched but before they arrived the male has tried to get into the event again and was escorted out by the security team. In the process the male has taken swing at one of the team and caught him with a glancing blow to his head. There was no injury sustained nor any lasting pain and the team member did not wish to give a statement or make a formal complaint. In the process of ejecting him the male has tripped on the uneven car park surface and hit his forehead on the floor resulting in a head wound and some swelling. The male has confirmed that this was the case and he had not himself been assaulted. First responders were already on the scene treating a female for an overdose and the male was left in their care to await arrival of an ambulance to have the head injury checked out.'

Numerous attempts were made to contact the TENs holder following the 2018 event using the contact details provided. Voicemails were left requesting Jack get in touch but no communications were received. This meant we were unable to address the shortcomings of this event and the clear instances of the licensing objectives not being upheld.

The TEN for 07th & 08th September 2019 for a Young Farmers Event at the same location to 2018, submitted by the same Jack CARPENTER, also follows on from the 2019 Alresford Agricultural Show. This time Jack has extended the terminal hour to 0200 and the numbers permitted to 150. There are no measures attached to the TEN detailing how this event will differ to last year and no contact has been made by Jack following up from last years incidents. As such Police are of the opinion that should the event be permitted to go ahead we will see similar levels of drunkenness and crime and disorder.

**New grant or variation of premises licence
Or club premises certificate
Form for representations from Hampshire Constabulary**

Based upon the levels of drunkenness witnessed at this previous event, the assaults and the suspected overdose Police object to this TEN.

It is an offence, under section 158 of the Licensing Act 2003 to make a false statement in or in connection with this representation

Police recommendations (including any conditions)
Winchester City Council to issue a counter notice preventing this event going ahead.

Signature of Officer Completing

| | | | |
|------------|----------------------|----------------|-------------------|
| Name | <u>Colin Pollard</u> | Collar Number: | <u>16866</u> |
| Signature: | <u>Colin Pollard</u> | Date: | <u>08/08/2019</u> |

Signature of Authorising Officer

| | | | |
|------------|-------------------------|----------------|-------------------|
| Name | <u>Julian Ainsworth</u> | Collar Number: | <u>1878</u> |
| Signature: | <u>J.Ainsworth</u> | Date: | <u>09/08/2019</u> |

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