

LICENSING SUB – COMMITTEE

Friday 6 December 2019 10:00 at Guildhall Winchester

Report of the Service Lead for Public Protection

Contact Officer: Briony Appletree. Tel No: 01962 848188

Application: Application for Variation of Premises Licence

Premises: Alresford Music Festival, Arlebury Park, Alresford, Hampshire,
SO24 9EA

Part A. Report

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Part A.**1. Application**

Applicant: Alresford Music Festival Limited

Premises: Alresford Music Festival
Arlebury Park
Alresford
Hampshire
SO24 9EA

- 1.1 This application is for a variation of a Premises Licence under Section 34 of the Licensing Act 2003 for Alresford Music Festival, Arlebury Park, Alresford, Hampshire, SO24 9EA.
- 1.2 The premises is a public recreation ground used annually for a one day event known as Alresford Music Festival.
- 1.3 The application is to permit the event to take place across a period of two days per calendar year, as opposed to one day per calendar year as permitted by the current Premises Licence.
- 1.4 The current Premises Licence authorises licensable activities to take place on a Saturday. This application proposes licensable activities to be permitted on a Sunday in addition. The current Premises Licence can be seen at Appendix 4.
- 1.5 The application proposes amplified Live Music both indoors and outdoors and the Supply of Alcohol (for consumption on and off the premises) to take place on Sunday. The proposed licensable hours can be seen at Section 5 of this report.
- 1.6 Further to this application to vary the Premises Licence, an application was made by M3 Production Services Limited to transfer the Premises Licence to the current licence holder. This was granted on 1 November 2019. This means that M3 Production Services Limited now hold the Premises Licence, as opposed to Alresford Music Festival Limited.
- 1.7 Following consultation with Hampshire Constabulary and Trading Standards, the applicant provided an appendix to their application relating to the promotion of the four licensing objectives. This can be seen at Appendix 5.
- 1.8 Hampshire Constabulary made a representation against this application with regard to the prevention of crime and disorder and the protection of children from harm licensing objectives. During the consultation period a number of conditions were agreed between Hampshire Constabulary and the applicant, and the representation was subsequently withdrawn. These conditions are reflected in Section 5 of this report.

- 1.9 Environmental Health made a representation against this application with regard to the prevention of public nuisance licensing objective. This can be seen at Appendix 2 of this report.
- 1.10 No representations were received by any of the other Responsible Authorities.
- 1.11 Representations have been received from 7 Other Persons, all of which are against the application. These representations are set out in Appendix 3 and primarily relate to the prevention of public nuisance licensing objective.
- 1.12 Notice of the application was displayed outside of the premises for a period of 28 days until 12 November 2019, and advertised in the Hampshire Chronicle on 24 October 2019.
- 1.13 Notices of the hearing were sent to all parties on 20 November 2019.

Designated Premises Supervisor

James Mitchell

Steps to promote the Licensing Objectives

Please see Section M Appendix 1, and additional document in Appendix 5.

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:

Environmental Health

Abigail Toms, on behalf of Environmental Health, made a representation against this application with regard to the prevention of public nuisance licensing objective. This can be seen at Appendix 2 of this report.

Hampshire Constabulary

Colin Pollard, on behalf of Hampshire Constabulary, made a representation against this application with regard to the prevention of crime and disorder and the protection of children from harm licensing objectives. During the consultation period a number of conditions were agreed between Hampshire Constabulary and the applicant, and the representation was subsequently withdrawn. These conditions are reflected in Section 5 of this report.

Hampshire Fire and Rescue Service

No representations received.

Child Protection Team

No representations received.

Building Control

No representations received.

Head of Trading Standards

No representations received.

Public Health Manager

No representations received.

Home Office

No representations received.

Licensing Authority

No representations received.

Planning

No representations received.

3. Representations from Other Persons

Representations have been received from 7 Other Persons, all of which are against the application. The main concerns are with regard to the prevention of public nuisance licensing objective.

Representations can be seen at Appendix 3. A map of representations in context of the premises location can be seen at Appendix 6.

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. 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 1.9, 2.11, 2.17 and Part 4 Section A)

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, B2, B3)

Public Nuisance

The Sub-Committee should consider any appropriate conditions to prevent public nuisance caused by noise 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 appropriate 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

The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014

– effective from 1 October 2014

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a times limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carried a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
 3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol,

identification bearing their photograph, date of birth and either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.

4. The responsible person must ensure that—

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other an alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25ml or 35ml; and
 - (iii) still wine in a glass: 125ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014
– effective from 28 May 2014

- 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 2. For the purposes of the condition set out in paragraph 1-
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula- **$P = D + (D \times V)$**
 where-
 - (i) **P** is the permitted price,
 - (ii) **D** is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) **V** is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence-
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph 2 applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Possible Conditions

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

Those conditions in italics are those which have been suggested by Hampshire Constabulary and subsequently agreed with the applicant.

Operating Hours

1. The hours the premises may be used for regulated entertainment shall be as follows. The hours in italics/underlined are already permitted under the current Premises Licence.

Live Music (Indoors and Outdoors)

- (i) Saturday 1000 to 2345
(currently licensed for 1000 to 0000)
- (ii) Sunday 1100 to 2130

Recorded Music

- (i) *Saturday 1000 to 0000*
(permitted under current licence)

2. The hours the premises may be used for late night refreshment shall be as follows. The hours in italics/underlined are already permitted under the current Premises Licence.

- (i) *Saturday 2300 to 2345*
(permitted under current licence)

3. The hours the premises may be used for the sale of alcohol shall be:

- (i) *Saturday 1100 to 2345*
(permitted under current licence)

- (ii) Sunday 1100 to 2200
- 3. The hours the premises may open for other than Licensable Activities shall be:
 - (i) Saturday 1000 to 0000
 - (ii) Sunday 1000 to 2230

All Licensing Objectives

A1 Event Management Plan

- (i) *The Premises Licence Holder shall ensure that the Event Organiser submits an initial Event Management Plan including site plan (to Ordnance Survey standard) to the Licensing Authority at least 60 days prior to each event.*
- (ii) *The Premises Licence Holder shall ensure that the Event Organiser submits a final version of the Event Management Plan including site plan (to Ordnance Survey standard) to the Licensing Authority at least 28 days before each event.*
- (iii) *Implementation of Event Management Plan – The arrangements (as detailed in the final accepted Event Management Plan) for protecting public safety, preventing crime and disorder, protecting children and preventing public nuisance shall be fully implemented prior to and during the event.*
- (iv) *This licence shall authorise the relevant licensable activities for a maximum of 4,999 persons each day, which shall include all persons present at the premises in whatever capacity including ticket holders, performers, guests and staff.*

A2 Training

- (i) *The Premises Licence Holder shall ensure that training will be delivered by the Designated Premises Supervisor, in advance of the event, to all staff members supplying alcohol.*
- (ii) *The Premises Licence Holder and Designated Premises Supervisor shall ensure that all members of staff are informed of the Licensing Objectives, Licensing Act 2003 and the statutory requirements, in order to ensure compliance with the relevant provisions of the Licensing Act 2003.*

- (iii) *The Premises Licence Holder shall ensure that all customer-facing staff receive comprehensive training in relation to age restricted products and the sale of alcohol. Training shall cover the following subjects:*
- *Sale of alcohol to persons under 18*
 - *Challenge 25 and acceptable forms of identification*
 - *Signs of drunkenness*
 - *Refusal register and when/how to use*
 - *The Licensing Objectives*
- (iv) *The Premises Licence Holder shall ensure that no member of staff shall be permitted to sell alcohol until such time as they have successfully completed the above training.*
- (v) *The Premises Licence Holder shall ensure that all training shall be documented with records kept on site, and kept thereafter for a period of 3 months. The Premises Licence Holder shall ensure that Police and authorised officers of the Local Authority shall have access to training records upon request.*
- (vi) *The Premises Licence Holder shall ensure that staff are trained to identify signs of child sexual exploitation, child criminal exploitation and vulnerable people of all ages.*

Crime and Disorder

- (i) *The Premises Licence holder shall ensure that an amnesty bin is provided at the festival entrance and that the contents are disposed of appropriately.*

CD1 Security

- (i) *The Premises Licence Holder shall ensure that the event takes place within a fenced, enclosed area with access only permitted to those with festival tickets, wristbands or appropriate passes.*
- (ii) *The Premises Licence Holder shall ensure that a qualified private security company, with registered SIA supervisors and stewards, is employed for the duration of the event.*
- (iii) *The Premises Licence Holder shall ensure that security staff monitor all entrances during the event, and operate a bag searching policy on entry. Any person refusing to be searched may be refused entry to the site, without a refund.*
- (iv) *The Premises Licence Holder shall ensure that security staff monitor the boundaries of the site during the event to ensure that no person enters the site without a ticket or wristband via any other entrance point other than the main entrance.*

- (v) *The Premises Licence Holder shall ensure that security staff are on site during the event, including the camping areas, to monitor for any disruptive behaviour or any other activity which may lead to crime or disorder.*
- (vi) *The Premises Licence Holder shall ensure that radio communication is maintained at all times during the event between event management staff, security and stewards to ensure that all are aware of and can respond accordingly to any issues.*
- (vii) *The premises licence holder shall ensure there is a clear welfare and ejection policy in place which all staff will be briefed on.*

CD2 Drugs

- (i) *The Premises Licence Holder shall ensure that a zero tolerance policy towards drugs is operated across the site. The Premises Licence Holder shall ensure that any person suspected of using, or found dealing any illegal substances as defined by the Psychoactive Substances Act 2016, shall be ejected from the premises, barred and the police informed.*
- (ii) *The Premises Licence Holder shall ensure that any person appearing to be drunk or under the influence of drugs at the entrance gate shall be refused entry*

CD3 Bar Operation and Alcohol Sales

- (i) *The Premises Licence Holder shall ensure that each bar has its own designated supervisor, who will be a Personal Licence Holder. The Premises Licence Holder shall ensure that details of this person shall be available at their respective bar, and at a central location on site.*
- (ii) *The Premises Licence Holder shall ensure that free drinking water is available from all bars, in addition to water points around the site.*
- (iii) *The Premises Licence Holder shall ensure that alcohol is only served in plastic or polycarbonate cups.*
- (iv) *The Premises Licence Holder shall ensure that each bar has an incident book to log any problems or incidents. The Premises Licence Holder shall ensure that these incidents books are checked by the Designated Premises Supervisor regularly.*

CD4 Refusals

- (i) *The Premises Licence Holder shall ensure that a refusals register is kept and maintained at each bar.*

- (ii) *The Premises Licence Holder shall ensure that the register is made available for inspection upon request by the Police or an authorised officer of the Local Authority, and that records are kept for 3 months after the event.*
- (iii) *The Premises Licence Holder shall ensure that all bars are connected via radio link to ensure that persons who are drunk or underage are identified and prohibited from using different vendors.*
- (iv) *The Premises Licence Holder shall ensure that any person who is attempting to obtain alcohol, and appears to a staff member to be under the age of 25, shall be required to produce satisfactory photographic identification as proof of age. Acceptable ID shall be a valid passport, valid military ID bearing the date of birth, valid UK photo card driving licence or PASS approved ID.*

Public Safety

- (i) The Premises Licence Holder shall ensure that adequate access is provided for emergency vehicles, and shall ensure that access routes are kept clear of cables, rubbish and fencing.
- (ii) The Premises Licence Holder shall ensure that event staff are trained on how to get emergency vehicles on and off site safely.
- (iii) The Premises Licence Holder shall ensure that litter pickers are employed throughout the event, a refuse company is contracted to provide and empty bins, and that a toilet company provides, cleans and empties toilets on site.

Public Nuisance

- (i) The Premises Licence Holder shall ensure that two large signs are installed asking patrons to be quiet and respect local residents when leaving the festival site.
- (ii) The Premises Licence Holder shall ensure that a dedicated telephone number is provided on the website for any nuisance related complaints.
- (iii) The Premises Licence Holder shall ensure that a noise management plan is submitted to the licensing authority at least 60 days ahead of the event.

Protection of Children

- (i) *The Premises Licence Holder shall ensure that any person under 18 years will not be permitted on site unless accompanied by a responsible adult.*
- (ii) *The Premises Licence Holder shall ensure that a Challenge 25 policy*

is be in operation at all bars on site to prevent underage drinking.

- (iii) The Premises Licence Holder shall ensure that the Medical and Welfare units include staff who are trained and/or have experience of dealing with emergencies and issues that relate to children and young people.*
- (iv) The Premises licence holder shall ensure there is a comprehensive lost child policy in place and all staff will be briefed on its content.*

6. 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 licence fee of £190 has been received. It is anticipated that an appropriate level of officer attendance will be provided within the existing budget.

Appendices

1. Application
2. Representations from Responsible Authorities
3. Representations from Other Persons
4. Current Premises Licence
5. Additional document provided by applicant relating to licensing objectives
6. Maps of premises location and representations