

LICENSING SUB – COMMITTEE

Monday 20 January 2020 10:00 at Guildhall Winchester

Report of the Service Lead for Public Protection

Contact Officer: Briony Appletree

Tel No: 01962 848188

Application: Application for a New Premises Licence

Premises: The Grange, Grange Park, Northington, Hampshire, SO24 9TG

Part A. Report

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Part A.**1. Application**

Applicant: Brand Events TM Ltd

Premises: The Grange
Grange Park
Northington
Hampshire
SO24 9TG

- 1.1 This application is for a New Premises Licence under section 17 of the Licensing Act 2003 for The Grange, Grange Park, Northington, Hampshire, SO24 9TG.
- 1.2 The premises is a Grade I listed building surrounded by 460 acres of gardens, parkland, woodland and farmland and is well known for hosting an annual opera festival.
- 1.3 The application proposes regulated entertainment, late night refreshment and supply of alcohol as licensable activities.
- 1.4 The application is to permit licensable activities for a food festival with entertainment for a total of 12,000 people in the first year, and 19,999 people in subsequent years.
- 1.5 Licensable activities are proposed to be limited to a period of three consecutive days per calendar year. These days would be a Friday, Saturday and Sunday, or a Saturday, Sunday and Bank Holiday Monday, and would be in either July or August.
- 1.6 Hampshire Constabulary made a representation against this application on the grounds of the prevention of crime and disorder, public safety 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of conditions were agreed between Hampshire Constabulary and the applicant, and the representation was subsequently withdrawn.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.
- 1.7 Environmental Health made a representation against this application on the ground of the prevention of public nuisance licensing objective. During the consultation period a number of conditions were agreed between Environmental Health and the applicant, and the representation was subsequently withdrawn. These conditions are reflected in Section 5 of this report.
- 1.8 No representations were received by any other Responsible Authorities.

- 1.9 Representations have been received from 10 Other Persons, all of which are against the application. These representations are set out in Appendix 2 and primarily relate to the prevention of public nuisance licensing objective.
- 1.10 Notice of the application was displayed outside of the premises for a period of 28 days until 1 January 2020, and advertised in the Hampshire Chronicle on 12 December 2019.
- 1.11 Notices of the hearing were sent to all Parties on 6 January 2019.

Designated Premises Supervisor

Neil Levene

Steps to promote the Licensing Objectives

Please see Appendix 1, Section M.

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

Phil Tidridge, on behalf of Environmental Health, made a representation against the application with regard to the prevention of public nuisance licensing objective. During the consultation period a number of conditions were agreed between Environmental Health and the applicant, and the representation was subsequently withdrawn. These conditions are reflected in Section 5 of this report.

Hampshire Constabulary

PC Neil Cotton, on behalf of Hampshire Constabulary, made a representation against this application on the grounds of the prevention of crime and disorder, public safety 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 10 '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 2.

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 having regard to the 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 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

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 time 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 carries 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 than 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) “value 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.

Conditions in italics are those which have been suggested by Hampshire Constabulary and Environmental Health, and subsequently agreed with the applicant.

Operating Hours

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

Films	Monday and Friday	1000 to 2330
	Saturday and Sunday	1000 to 2230
Live Music	Friday to Monday	1100 to 2330
Recorded Music	Friday to Monday	1100 to 0200
Performances of Dance and Anything of similar description to Live Music, Recorded Music or Performances of Dance	Friday	0800 to 2330
	Saturday	0900 to 2330
	Sunday to Monday	1000 to 2330

2. The hours the premises may be used for late night refreshment shall be:

(i) Friday to Monday 2300 to 0500

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

(i) Friday to Monday 1000 to 0200

4. The hours the premises may open for other than Licensable Activities shall be:

(i) Monday 0800 to 0000

(ii) Friday 1000 to 0000

(iii) Saturday and Sunday 0000 to 0000 the following day

All Licensing Objectives

- A1: *This licence shall authorise the relevant licensable activities for a maximum of 19,999 persons, which shall include all persons present at the premises in whatever capacity including ticket holders, performers, guests and staff.*
- A2: *The first event in 2020 will limit the total capacity to no more than 12,000 persons which shall include all persons present at the premises in whatever capacity including ticket holders, performers, guests and staff.*
- A3: *The premises licence shall authorise the licensable activities for one event running for no more than three consecutive days each year. This will be a Friday, Saturday and Sunday or a Saturday, Sunday and Bank Holiday Monday in July and/or August.*
- A4: *The Premises Licence Holder will ensure suitable engagement and participation with the Winchester Safety Advisory Group (SAG) prior to each event, including attendance at a minimum of one meeting.*
- A5: *The Premises Licence Holder shall submit an initial Event Safety Management Plan (ESMP) to the Licensing Authority at least 90 days in advance of each event and a final version of the Event Safety Management Plan to the Licensing Authority at least 30 days prior to the event. This will include but not be limited to:*
- Alcohol Management Plan*
 - Traffic Management Plan*
 - Security & Steward Management Plan*
 - Noise Management Plan*
 - Major Incident and Emergency Plan*
 - Medical Provision Plan*
 - Evacuation Plan*
 - Counter Terrorism Plan*
 - Food Safety Policy*
 - Zero Tolerance Drugs Policy*
 - Search Policy*
 - Use of Glass Policy*
 - Ejections Policy*
 - Safeguarding Policy*
 - Welfare Policy*
 - Lost Child Policy*
 - Vulnerable Adults Policy*
 - Health and Safety Plan including but not limited to Risk Assessments + Method Plans.*
- A6: *The deadline for submission of the ESMP may be altered in writing by the Licensing Authority following a written request from the Premises Licence Holder.*
- A7: *The arrangements (as detailed in the final Event Safety 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. The event will be delivered in full accordance with the ESMP submitted.

- A8:** *A team of suitably qualified professionals will be employed to deliver the Operational Management of the event. Details of appointed contractors and appointed roles and responsibilities will be included in the ESMP along with up to date contact details. These will include but not be limited to:*
- Premises Licence Holder*
 - Designated Premises Supervisor*
 - Operations Manager*
 - Site Manager*
 - Security provider*
 - Health and Safety Consultant*
 - Transport and Traffic management Company*
 - Acoustic Noise Consultant*
 - Medical Provider*
 - Fire and Rescue Company*
- A9:** *A detailed programme of all licensed and operational timings and venues will be included as part of the ESMP.*

Crime and Disorder

CD1: Training

- (i) The premises licence holder shall ensure that a training package is in place in order for all staff involved with the sale or supply of alcohol to be sufficiently trained in licensing matters proportionate to their role and aware of their responsibilities. Particular attention should be paid to underage sales / ID verification and the refusal of alcohol sales to a drunk person.*
 - (ii) Records shall be kept of this training, dated and signed by the staff member and trainer.*
 - (iii) Refresher training shall be completed prior to each annual event - again with documented records made and to be available for inspection by Police and other responsible authorities.*
 - (iv) A written record shall be retained at each bar or concession to show the staff that have been authorised to sell alcohol. This shall be made available to the Police and other responsible authorities on request.*
- CD2:** *The premises licence holder shall ensure that a refusals log and incident log is maintained at each bar or concession where alcohol is available for sale. These records shall be retained for a minimum of 1 year and be made available to the Police and other responsible authorities upon request.*

CD3: *Guests attending this event will not be permitted to bring alcohol on to the event site. Appropriate measures will be in place to ensure this is prevented, such as searching on entry and confiscating alcohol at the entrance.*

CD4: *SIA Security Staff*

- (i) *SIA registered front line security staff will be employed for the duration of the event.*
- (ii) *Numbers and locations of SIA security personnel are to be included in the ESMP.*
- (iii) *SIA security personnel will be deployed to key areas of the event site giving particular attention to areas where there is a potential risk of confrontation, conflict, crowds and where retail sales of alcohol are undertaken.*

CD5: *A system of communication between the bars, security and event management will be in place such as a radio link.*

Public Nuisance

PN1: *The Premises Licence Holder shall produce an initial Noise Management and Community Liaison Plan (NMP) at least 90 days prior to the commencement of the event. The final NMP shall be submitted to the Licensing Authority for agreement no later than 30 days prior to the commencement of the event. No alteration to the NMP after this date shall be made by the Premises Licence Holder except with the written consent of the Licensing Authority.*

PN2: *The final NMP shall contain the methodology which shall be employed to control the sound produced on the premises, in order to comply with the premises licence. The NMP must include all of the arrangements for preventing public nuisance and consultation with the local community and shall include:-*

- a) *An inventory and location of all sound systems to be used on the site.*
- b) *Management command and communication structure/methods for ensuring that permitted sound system output and finish times are not exceeded.*
- c) *Publication and dissemination of information to the public and arrangements for provision and staffing of a hotline number for dealing with complaints.*
- d) *Action to be taken by the Premises Licence Holder following complaints, which shall be logged and made available to the Licensing Authority upon request.*

PN3: *The Premises Licence Holder shall ensure compliance with all aspects of the Noise Management and Community Liaison Plan.*

- PN4: *At least 7 days prior to an event the Premises Licence Holder shall provide to the Licensing Authority a telephone number for contacting the Premises Licence Holder or a nominated representative during the course of an event.*
- PN5: *The Premises Licence Holder shall appoint a competent noise consultant to monitor and record on site and off site noise throughout the event, to ensure compliance with noise levels. All monitoring performed shall be logged and made available to the Licensing Authority upon request.*
- PN6: *Between the hours of 11:00 and 23:30 noise levels from music shall not exceed 65dB LAeq (15 minutes) and between the hours of 23:30 and 01:00 on the following day shall not exceed 45dB LAeq (15 minutes). All noise levels from music shall be measured in free field conditions, in the absence of other significant local noise sources, at locations to be agreed in writing with the Licensing Authority no later than 30 days in advance of the event.*
- PN7: *Recorded music after 23:30 shall only occur inside The Grange buildings as identified on the plan attached. (See Appendix 3).*

Protection of Children

PC1: ID – Challenge 25

- (i) The premises licence holder shall ensure that a system is in place to ensure that every individual who appears to be under 25 years of age seeking to purchase or be supplied with alcohol at or from the premises, shall produce acceptable means of identification and age confirmation.*
- (ii) Acceptable identification shall be a passport, photo driving licence or PASS accredited photo ID.*
- (iii) If the person seeking to obtain alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person.*
- (iv) Public facing signage of a suitable size and frequency detailing the Challenge 25 Policy must be displayed at all bars, concessions and all similar locations where alcohol is available for sale by retail.*

PC2: Any staff or volunteers on the event site with responsibility for the welfare of children on site shall be DBS checked (Disclosure and Barring Service) and their name, date and place of birth be made available to Hampshire Constabulary upon request. The ESMP shall include a plan to deal with all such lost / found children.

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 £4315.00 has been received. It is anticipated that an appropriate level of officer attendance will be provided within the existing budget.

Appendices

1. Application by Brand Events TM Ltd
2. Representations by Other Persons
3. Additional Plan for condition PN7
4. Map of Premises Location and Representations