

MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE 'B'
11 APRIL 2011

SUBMITTED TO THE LICENSING AND REGULATORY COMMITTEE MEETING
24 MAY 2011

(To be read in conjunction with the Agenda for the Meeting)

- * Cllr Maurice Byham Cllr Mrs Patricia Ellis
- * Cllr Mrs Elizabeth Cable

* Present

Cllr Peter Isherwood attended for Cllr Mrs Patricia Ellis who was unable to attend.

14. ELECTION OF CHAIRMAN (Agenda Item 1)

Cllr Mrs Elizabeth Cable was elected Chairman for this meeting of Sub-Committee B.

15. MINUTES (Agenda Item 2)

The Minutes of the meeting held on 22 November 2010 were confirmed and signed.

16. DISCLOSURE OF INTERESTS (Agenda Item 3)

No interests were declared under this heading.

PART I – RECOMMENDATIONS TO THE COMMITTEE

There were no matters falling within this category.

PARTS II AND III – MATTERS OF REPORT

Background Papers

The background papers relating to the following report in Parts II and III are as specified in the Agenda for the meeting of Licensing Sub-Committee 'A'.

PART II – Matters reported in detail for the information of the Committee

17. LICENSING ACT 2003 - APPLICATION FOR A NEW PREMISES LICENCE – BISHOP'S MEADOW, OFF CROSBY WAY, FARNHAM, SURREY (Agenda Item 4; Appendix A)

17.1 The Head of Democratic and Legal Services introduced the application and outlined the matter that the Sub-Committee was being asked to decide. The Head of Democratic and Legal Services confirmed that those objectors present and wishing to speak were those who had submitted a written representation within the statutory timescale for responses. There were other

objectors present that had submitted late representations but these could not be taken into account.

- 17.2 It was then clarified that the map attached to the agenda papers at Annexe 3 showed the overall location of Bishop's Meadow, and the map attached to the application at page 23 identified how the applicant proposed to use different areas of the Meadow for different types of event, and was part of the revised Section P.
- 17.3 It was also confirmed that the applicant had submitted a revised text for Section P (addressing the Licensing Objectives) at page 40, and that this replaced pages 21 and 22 of the agenda papers.
- 17.4 The spokesperson for the applicant gave a background account of the ownership of Bishop's Meadow and explained that the Trust wished to apply for a general premises licence to hold unspecified events in order to raise funds to buy the Meadows to maintain and protect them in the future.
- 17.5 The spokesperson for the applicant said that a general licence had been applied for in advance of the Trust organising any specific events, to be sure that they would be able to continue with their plans for a range of events.
- 17.6 Following a question regarding parking facilities, the spokesperson for the applicant said this would be just one of the issues covered in the Event Management Plans that would be drawn up in consultation with the Waverley Safety Advisory Group prior to every event.
- 17.7 The objectors were concerned that in the future the land might be sold on and the licence transferred to another owner who might not be so interested in the conservation of the Meadows.
- 17.8 The Solicitor to the Council advised the Sub-Committee that a premises licence was granted in perpetuity until it was given back or transferred, unless the applicant chose to apply for it to run for a limited period. The applicant was the Trust and thus if granted it would become the Licence Holder. However, it was not within the Sub-Committee's remit to suggest or discuss this with the applicant. The applicant could, if they wished, amend the application at the hearing.
- 17.9 Following agreement from all parties the Chairman ADJOURNED the meeting at 10.51 am so that the applicant and objectors could discuss whether a time-limited application would help to allay the objectors' concerns.

The meeting RECONVENED at 11.26 am.

- 17.10 The applicant and objectors had failed to come to an agreement during the adjournment, and the Head of Democratic and Legal Services suggested an adjournment to the following week to allow both parties and the Bishop's Meadow Trustees to engage in further discussion regarding the applicant's proposals for events. However, both parties did not consider that this would

make a substantial difference to the discussions and the objectors said they would like the present application withdrawn and resubmitted in order for local residents and Bishop's Meadow Trustees to have more time to study the proposals and if necessary put forward representations.

- 17.11 The Sub-Committee Chairman confirmed that the application had been submitted correctly and the advertising had followed the correct procedure. There was therefore no reason to request the applicant to resubmit the application.
- 17.12 The Chairman then asked the objectors present to submit their representation, following which the Sub-Committee would decide whether to adjourn the hearing until the following week.
- 17.13 The spokesperson for the objectors said that there had been insufficient notice and consultation with local residents regarding the intentions of the Bishop's Meadow Trust, and Trustees had not been made aware and residents not informed. The spokesperson suggested that Temporary Event Notices (TEN) be used rather than a blanket application. However, they were reminded that only the Police could object to a TEN and the licensing authority had no power to impose restrictions on an event arranged under a TEN. Also a maximum of 499 people could attend events covered by a TEN.
- 17.14 Further concern was raised by the objectors regarding inadequate access and parking, both adjacent to the Meadows and in Farnham town centre, the potential cost involved to fence and light the area during an event, the damage to plant and wildlife through grass cutting and temporary road surfaces prior and during an event, suitability for wheelchair access and disturbance to horses grazing in adjacent meadows.
- 17.15 The Sub-Committee acknowledged the comments made by the objectors but reminded them that under the Licensing Act they were only to consider those issues that related to the four Licensing Objectives. Many of the issues raised by the objectors should be for discussion within the Trust, and a premises licence did not require consideration of environmental issues or disturbance to wildlife.
- 17.16 The Solicitor to the Council reminded the Sub-Committee that a hearing should only be deferred to allow further information to be brought before it. If this was not the case then the application should be determined.
- 17.17 The Chairman then ADJOURNED the meeting at 12.16 pm so that the Sub-Committee could consider whether there were sufficient reasons to defer the hearing to a later date.

During the adjournment the Solicitor to the Council was asked to advise the Sub-Committee on the regulations regarding adjournment of a hearing.

The meeting RECONVENED at 12.31 am.

17.18 The Sub-Committee had decided not to adjourn the meeting as they considered that no further relevant information would be forthcoming.

17.19 Following closing statements, the Sub-Committee then withdrew at 12.37 p.m.

Following the Sub-Committee's deliberation the meeting resumed at 1.35 p.m.

During the deliberations the Solicitor to the Council was asked to advise the Sub-Committee on suitable wording for conditions.

In conclusion, the Sub-Committee did not consider that this application conflicted with the Licensing Objectives relating to

- Prevention of Crime & Disorder (LO1)
- Public Safety (LO2)
- Protection of Children from Harm (LO4)

The Sub-Committee RESOLVED to grant the licence, but to address the concerns of local residents regarding public nuisance it agreed that the following conditions should be applied as set out in the revised Section P, pages 40-42, of the agenda papers, but amended as follows:

In all instances:

- i. All events where the anticipated attendance exceeds 500 shall be run in accordance with event management plans previously agreed with the police, Waverley Borough Council's Safety Advisory Group, all relevant authorities *and the Surrey County Council Rights of Way Officer*.
- ii. Events shall only be held between 1 April and 30 September and for no more than 10 days of events per calendar year.
- iii. At all events where anticipated attendance exceeds 500, professional and registered security staff will also be employed.

In addition:

- iv. No overnight camping shall be allowed.
- v. The Sub-Committee asked the Trustees to invite local residents living in Crosby Way, Weydon Mill Lane and surrounding roads to meet with them in advance of all planned events in order to discuss the Event Management Plan.
- vi. Access to the main events area should be via the western end of the Meadows adjacent to the Cemetery via Crosby Way.
- vii. Days and times shown in boxes A, B, E, F, G, I and J of Appendix A, Annexe 1 of the agenda papers be amended as follows:

11.04.11

Thursdays to Sunday only
1200 – 2300

Furthermore, the Sub-Committee expressed the hope that all Trustees would be involved in any discussion to determine the success of future events.

The concerns raised by the objectors have been taken into account and the Sub-Committee wished to remind the objectors that should there be any cause for concern in the future, legislation allows for members of the community and responsible authorities to contact their licensing authority with any complaints over the operation of the premises, leading to a possible review of the licence.

The meeting commenced at 10.00 am and concluded at 1.40 pm.

Chairman