

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE LICENSING SUB-COMMITTEE A - 6 JUNE 2023

SUBMITTED TO THE LICENSING AND REGULATORY COMMITTEE MEETING – 18
SEPTEMBER 2023

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

Present

Cllr Jacquie Keen
Cllr Michael Goodridge

Cllr Jerome Davidson

1. LICENSING ACT 2003 - APPLICATION FOR A NEW PREMISES LICENCE-
SLADES FARM, THORNCOMBE STREET, BRAMLEY, SURREY. GU5 0LT
(Agenda item 1.) (Pages 7 - 10)

Cllr Michael Goodridge had been elected at the 24 May meeting as chair for the purpose of the hearing and therefore took the position for this hearing.

The Licensing panel convened in person on 6 June 2023 to determine an application for a new premises licence, the hearing having been adjourned in order that a site visit could take place and to allow consideration of a noise management plan by the parties which had been provided shortly before the original hearing date of 24 May 2023.

The licensing committee confirmed that a site visit had taken place on 1 June 2023 in order to view the particular areas highlighted on the application and to better appreciate the scale of the area.

The Licensing panel carefully considered all the relevant information including

- Written and oral representations made by the parties
- The licensing act 2003 and the steps appropriate to promote the licensing objectives
- The guidance issued under section 182 of the Licensing Act 2003 (the statutory guidance)
- Waverley's statement of licensing policy
- The human right act 1998

The Committee took into consideration the committee report, and application form which sought to licence the premises for non-standard timings (to allow Sladesfest, an annual event) and the licensable activities applies for, namely live and recorded music and the sale of alcohol on the premises..

During the consultation process, 31 representations were received from interested persons which formed part of the committee report, and which were expanded upon during the course of the hearing. The representations received outlined issues of crime and disorder, public nuisance, issues with public safety and potential harm to children. There were various reference to 'glamping' activities at the site and

observations as a result of previous activity at the site which had been subject to a temporary event notice (TEN).

It was noted by the committee that there had been no representations made by any of the responsible authorities.

The sub-committee heard in person from Mr Francis Hutley and Mr Valentine Hutley, the applicants.

The representative of Hascombe Parish Council, Sarah Sullivan

The representative of Bramley Parish Council, Cllr Jane Austin

Mr Martin Dodd with particular focus within his comments in regard to potential nuisance (noise) issues

and those other objectors who attended the hearing and addressed the committee in person.

The panel noted that a number of the concerns raised were not relevant to the matters for determination, including those relating to planning aspects and complaints regarding non licensable activity (e.g. the glamping site/midnight steeplechase) and which fall outside the scope of the application/matters for the committee to determine.

It was also noted that no responsible authority had made representations and as such it was not appropriate to involve those separate parties to further comment on the application as objectors had invited the committee to adjourn to do so.

In summary the objections raised related to concerns about the likely number of attendees, noise / light nuisance, as well as access and transport links and the ability of emergency services to access and navigate the site.

In relation to crime and disorder there were concerns about possible drug misuse, impact of intoxicated individuals in the locality and activities concerning poor driving in the road network.

The sub-committee clarified a number of points with the applicant regarding vehicular access, numbers of events to be held at each site, timings of events and sale of alcohol, and the revised / amended plan was accepted.

The applicant explained the nature of the proposed festival and that a smaller event had taken place in 2022 under the provisions of a temporary event notice and which had been successful, without any negative feedback from environmental health or police from those agencies. It was acknowledged that there had been some local operational issues which the applicant was keen to address and that they were seeking to work with local residents to address concerns raised and had adapted their application accordingly, and would be happy to make improvements as necessary.

The sub-committee noted a Noise Management Plan had been obtained and which was submitted by the applicants in support of their application which had been prepared by a suitably qualified expert Calvin Hanks.

When questioned the applicant confirmed their intended usage of the site, which was divided by area and according to application and non-standard hours (Sladesfest) and a limited number of events within the licence application which had been significantly reduced.

The panel considered the statutory guidance which states

“Licensing authorities should look to the police as the main source of advice on crime and disorder” and noted that the police had not objected to the application made.

and in relation to public safety, during th hearing the committee was reminded that

“Licence holders have a responsibility to ensure the safety of those using the premises as part of their duties under the 2003 Act. This includes the safety of people using the premises [...]. Physical safety includes the prevention of accidents and injuries”

With regards to the statutory guidance on public nuisance it was noted that

“the 2003 Act enables licensing authorities and responsible authorities, through representations to consider what constitute public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences [...] It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business in the premises) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.”

“Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 and retains its broad common law meaning.”

“Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping [...] between 11pm and 8am”

The panel noted that the licence application included a number of proposals within the operating schedule to promote the licensing objectives and tackle any issues which would form part of the licence conditions in the event of grant.

The panel was pleased to note that the applicant had by the commission of a professional report addressed the potential for nuisance arising from the characteristics and style of the proposed activity and had identified a number of steps to reduce the risk of public nuisance occurring. The panel felt that it was appropriate for the measures set out within the report to be implemented, and noted the suggestion within that a telephone number should be available to the public to address concerns re noise issues in real time during the Sladesfest (non-standard timings) event and in order to mitigate impact. In addition, it was felt that a condition

to address possible light pollution issues would be in order, in light of representations received, save where lighting required for health and safety or security reasons.

In relation to the prevention of crime and disorder licensing objective, the panel noted that the applicant was amenable to a condition being imposed with regards to search of those attending at the premises (in relation to Sladesfest/non-standard timings). Concerns raised by the objectors were noted but it was felt that the incidents referred to including speeding vehicles could not be attributed to the TEN event of last year and individuals are responsible for their own actions outside the vicinity of a premises.

The panel felt that the prevention of crime and disorder was properly mitigated, and noted the arrangements for stewards and security staff.

Public safety was felt to be potential issue following the site visit but the committee was satisfied with the applicant's explanations that works would be carried out on the site to prepare it for the event, as was the case for the previous year's event.

Prevention of public nuisance – the committee noted that some measures were in place to address this, however felt there was a risk of public nuisance and engagement with the Waverley Safety Advisory Group (SAG) in advance of the non-standard timings event would be advisable to ensure an appropriate and suitable traffic and parking management plan, noting the provision of parking close to the event site. In addition, that it would be beneficial for the proposals set out within the noise management plan to be adopted and followed to address the concerns raised by objectors.

In reaching their decision, the sub-committee had regard to all the relevant considerations and the licensing objectives and considered that this decision was appropriate and proportionate.

Following deliberation the sub-committee resolved to **GRANT** a premises licence with the following additional

1. With regard to the area hatched **Red** on the application 'Slades Farm' (on sales) a maximum of six one day events may be held in any 12 month period between 12 noon and to 11pm as set out in the application. The sale of alcohol on this site shall be outdoors and from 12 noon to 10:30pm. Live/recorded music allowed between the hours of 10am to 9pm Monday to Thursday and 10am to 11pm Friday to Sunday. No alcohol to be sold within this area at any other time.
2. The **Blue** (glamping site) hatched site on the application may hold up to eight events in any 12 month period (each defined as lasting no more than 3 days at a time). The same hours for provision of on sales and live/recorded music apply as set out for the red hatched area with no alcohol sold at any other time.
3. A log for both 'red and blue' sites will be held listing events, dates and times involving alcohol and/or music and be made available to any responsible authority upon request.

Non-standard timings

4. SladeFest (Pink and Green Hatched areas):
 - a. Before the festival event takes place a full event management plan must be submitted and approved by Waverley's Safety Advisory Group (SAG) to include an incident log and transport plan.
 - b. Licensable activities at events subject to non-standard timings shall only be provided at ticketed events with no ticket sales available on the day.
 - c. All matters raised in the Noise Management Plan 'Slades Fest 2023', prepared by Calvin Hanks of 18 May 2023 (v1 document), to be implemented and followed with a power for Waverley's Licensing Manager to approve any modifications to allow technical / minor amends having consulted with Waverley's Environmental Health Officers. If changes are not supportable then a variation is needed.
 - d. The vehicle entrances to be as agreed by the applicant at the hearing and set out in the amended plan.
 - e. All live music to cease in area 1 (as defined on the plans) by 11pm on Friday and Saturday and music in area 2 (as defined on the plans) to cease by 5am on Sunday as set out in the application.
 - f. Alcohol sales to cease in area 1 by 11pm on Friday and Saturday and a bar to open in area 2 until 4.30am.
 - g. All persons the area hatched pink will be subject to search for illegal or unauthorised substances or objects and all staff engaged in searching persons / property (as a condition of entry) shall be fully trained in the use of their powers to do so.
5. In addition to the challenge 25 policy, a record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of WBC.
6. An incident log shall be kept at the premises and made available on request to an authorised officer of WBC or the police. It must be completed within 24 hours of the incident and record (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or other offensive weapons (f) any faults in the cctv system, searching equipment or scanning equipment (g) any visit by a relevant authority or emergency service
7. No alcohol to be sold inside any existing / future building shown on the plan without variation.

Observations:

Section 11.1 of the statutory guidance confirms 'The proceedings set out in 2003 Act for reviewing premises licenses and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence [...].'

The granting of this licence does not overcome any planning issues that may exist.

2. LEGAL ADVICE (Agenda item 2.)

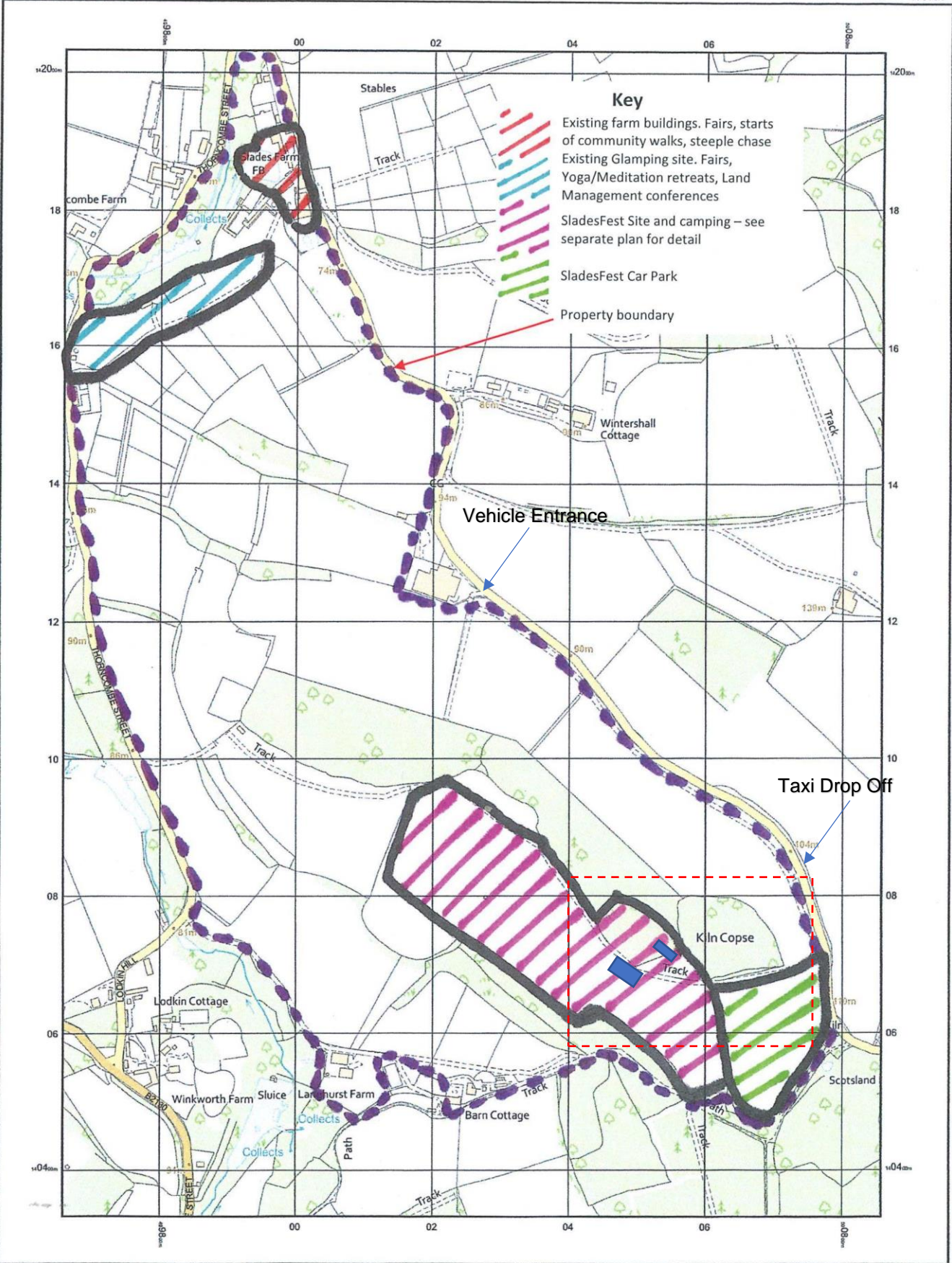
Legal advice was sought during the hearing and during deliberations before coming to a decision.

The meeting commenced at 10.00 am and concluded at 1.23 pm

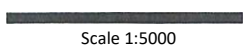
Chairman

Minute Item 1.

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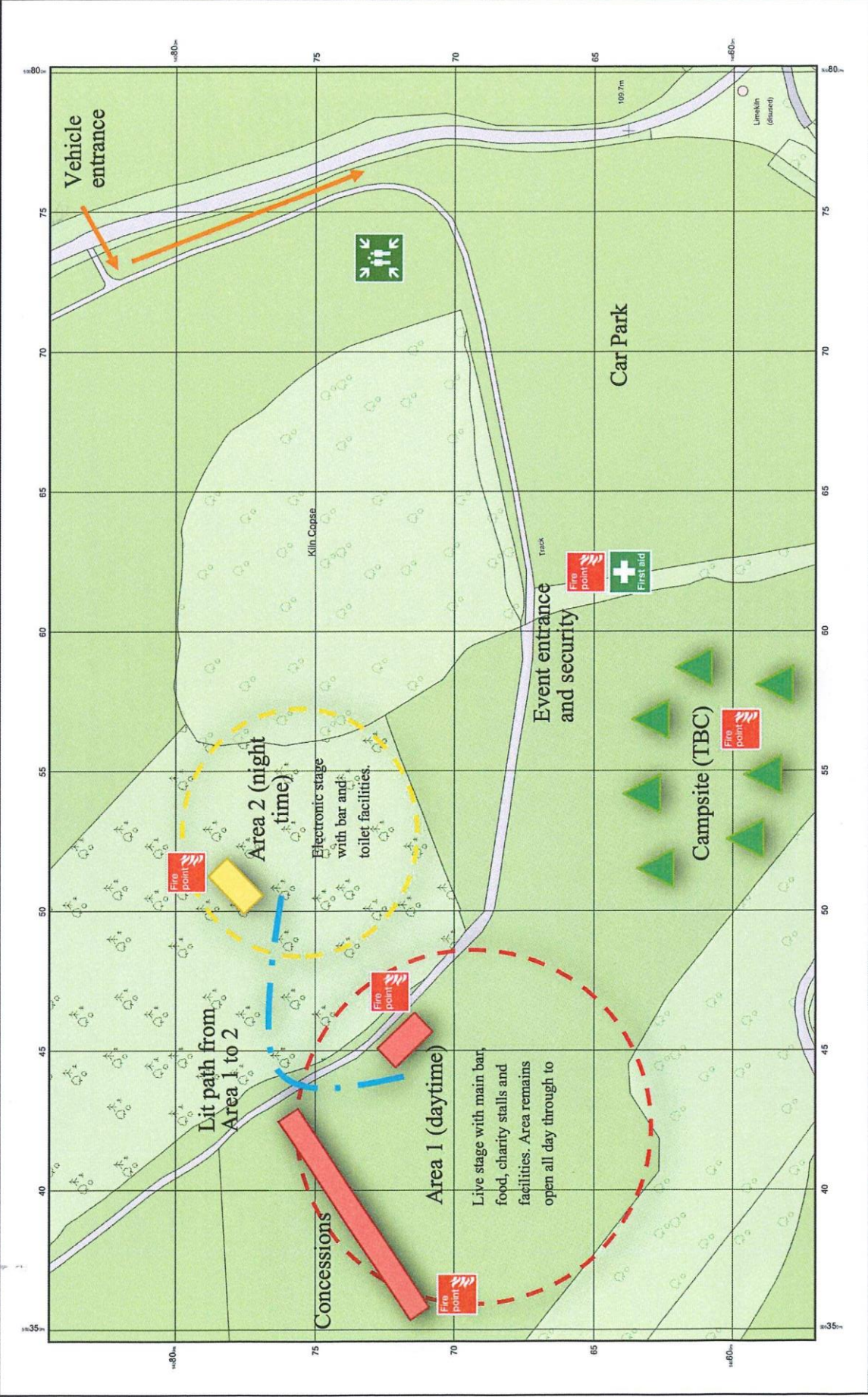


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1cm = 50m 250m



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