

Cherwell District Council

Licensing Sub-Committee

12 August 2014

Premise Licence Determination Hearing

Report of Chris Rothwell, Head of Community Services

This report is public

Purpose of report

To provide an outline of an application to for the grant of a Premises Licence in relation to Homegrown Festival, Chesterton and detail the representations received from Responsible Authorities and Interested Parties that has resulted in the need for a hearing to determine the application.

1.0 Recommendations

There is no recommendation. In considering the representations received and what is appropriate for the promotion of the licensing objectives, the options open to the Sub-Committee are, in broad terms:

- 1.1 approve the application for the grant of a premises licence as submitted
- 1.2 reject the application for the grant of premises licence in whole or part
- 1.3 place conditions on the grant of premises licence and/or require changes to the details of the permissions sought.

2.0 Introduction

- 2.1 On 20 June 2014, the Licensing Authority received an application for the grant of a premises licence to permit regulated entertainment, provision of late night refreshment and sale by retail of alcohol at the Homegrown Music Festival ion Chesterton on 15, 16 & 17 August 2014.
- 2.2 The Licensing Act 2003 provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.

2.3 The licensing objectives are:

- The prevention of crime and disorder.
- The protection of public safety.
- The prevention of public nuisance.
- The protection of children from harm.

2.4 The Guidance issued under Section 182 of the Licensing Act 2003 states:

Each objective is of equal importance. It is important to note that there are no other licensing objectives, so that these four objectives are paramount considerations at all times. But the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:

- *the necessary protection of local residents, whose lives can be blighted by disturbance and anti-social behaviour associated with the behaviour of some people visiting licensed premises of entertainment;*
- *the introduction of better and more proportionate regulation to give business greater freedom and flexibility to meet customers' expectations;*
- *greater choice for consumers, including tourists, about where, when and how they spend their leisure time;*
- *the encouragement of more family friendly premises where younger children can be free to go with the family;*
- *the further development within communities of our rich culture of live music, dancing and theatre, both in rural areas and in our towns and cities.*

2.5 For the Licensing Authority to accept a representation as relevant, it must firstly address one or all of the four licensing objectives and the likely effect of the grant of the premises licence upon the promotion of those objectives. The licensing authority must then determine whether or not the representation may be deemed frivolous, vexatious or repetitious and that they have been received within the relevant timescales. The licensing authority can take whole or part of a representation and deem it as relevant, therefore excluding the irrelevant part from the proceedings.

2.6 During the consultation period the Licensing Authority received representations from a number of Responsible Authorities and Interested Parties in the vicinity of the premises. Full details of all relevant representations received are included at paragraph 3 of this report.

3.0 Report Details

3.1 The applicant has proposed to provide the following regulated activities for the days and times specified:

Live Music and Recorded Music; Performance of Dance;

Friday and Saturday from 14:00 to 23:00, outdoors
Sunday from 11:00 until 22:00, outdoors

Anything of a similar description to Live or Recorded Music or Performance of Dance;

Friday from 14:00 to midnight, outdoors
Saturday from 11:00 to midnight, outdoors
Sunday from 11:00 until 22:00, outdoors

Late Night Refreshment;

Friday and Saturday from 23:00 to midnight, outdoors

Sale (by retail) of Alcohol;

Friday from 14:00 to midnight, outdoors
Saturday from 11:00 to midnight, outdoors
Sunday from 11:00 until 23:00, outdoors

For consumption on the premises only

3.2 The applicant has proposed the following opening hours for the premises:

Friday from 14:00 to 01:00 the following morning
Saturday from 09:00 to 01:00 the following morning
Sunday from 09:00 to midnight

Background:

- 3.3 A full copy of the application, including plans of the location to be licensed submitted by the applicant is attached at Appendix 1.
- 3.4 Throughout the application process, the applicant engaged in Safety Advisory Groups and sought the advice of the relevant responsible authorities, including the Fire Service, Oxfordshire County Council Highways and Thames Valley Police as well as Cherwell District Council's Licensing, Public Protection and Anti Social Behaviour Teams. As a result, the applicant made several modifications to the initial application. The final Operating Schedule, Emergency Plan and Site and Route plans are attached to this report as Appendices 2-8.
- 3.5 During the consultation period, a total of 5 representations were received in respect of this application. Four of these responses were from Interested Parties living in the vicinity of the proposed festival site and the Parish Council. They raised concerns regarding public safety and the potential for public nuisance. The objections are attached to this report at Appendices 13-16.
- 3.6 On 7 July, the Licensing Department received a call from a trustee at Bicester Sports Association which neighbours the land proposed to be licensed for the Homegrown Festival. They raised concerns that the application had incorrectly

been advertised and that the pres notice had stated the end of consultation as 18 November 2014, rather than 18 July 2014. As a result, the applicant was contacted and agreed to restart the consultation for a further 28 day period, ending on 4 August 2014.

- 3.7 On 8 July 2014, the Licensing Authority received a response to the application from Oxfordshire Fire and Rescue Service advising they had no objections to the application. A copy of the correspondence is attached at Appendix 9.
- 3.8 On 30 July, a response was received from the Anti Social Behaviour Team Manager at Cherwell District Council. A number of actions were agreed between the applicant and the Anti Social Behaviour Team and there correspondence is detailed at Appendices 10 and 11.
- 3.9 On 31 July 2014 an objection to the application was received from Thames Valley Police on the grounds of potential crime and disorder and concerns over public safety. The applicant addressed some of the Police's concerns but at the time of writing this report, Thames Valley Police had not withdrawn their objection. Details of the objection are attached to this report at Appendix 12.

4.0 Conclusion and Reasons for Recommendations

4..1 The Licensing Act 2003 states that all licensing matters must promote the four Licensing Objectives, they are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm

4..2 Representations received have stated concerns in relation to potential issues in respect of the prevention of crime and disorder and the prevention of public nuisance.

4..3 Details of how the applicant intends to promote the four licensing objectives is given below:

Objective	Applicants response
General	<ul style="list-style-type: none"> • The premises licence is to be in force for 15, 16, &17 August 2014 only. • Close liaison with the local Police and following guidelines issued by any such authority • Fully registered SIA Security company will be operating at all times when the festival is operating, a minimum of 8 during the 'open times' and 2 will be patrolling the areas outside these hours • Full staff and volunteer training on how to spot issues, how to report and how to control as itemised in the Event Management Plan • Personal license holder and DPS will be present on site the whole time of the festival, plus a deputy who also has personal license • Initial full briefing and allocation of responsibilities to be held on 2

	<p>occasions before the event and regular morning meetings between staff will be held and updates reiteration of all these objectives</p> <ul style="list-style-type: none"> • We will revise and present to the Safety and Advisory Group a revision for the Event Management Plan for next year at least 3 months prior to the event and make any amendments requires
<p>Prevention of crime & disorder</p>	<ul style="list-style-type: none"> • Anti-Drugs (Police approved) will be clearly displayed at the entrance and throughout the festival areas, including the car parks and camping areas and inside the toilet blocks • No Alcohol allowed to be brought in to the licensed area, absolutely no glass bottles/glasses and the like allowed on the site – camping area only will be allowed • Bag searches on entry will only be carried out by professional and licensed personnel, male and female SIA qualified staff only • Regular uniformed and non-uniformed security personnel will patrol the festival areas that may attract unsavoury issues, such as toilets • A clear and legible notice outside the licensed area indicating the normal hours under the terms of the premises licence during which licensable activities are permitted. • Clear and conspicuous notices warning of potential criminal activity, such as theft, that may target customers will be displayed, anti-pick pocket notices
<p>Prevention of public nuisance</p>	<ul style="list-style-type: none"> • Any person who appears to be intoxicated will be refused to be served and where necessary asked to leave/be escorted from the festival site, if the SIA staff believe there may be issues with that person(s) then they will take the decision whether to call the Police on 101 if required • There are no residential properties close to the entrance to the event, however; <ul style="list-style-type: none"> ○ Prominent, clear and legible notices and signs will be displayed at main exit requesting the public to respect the needs of nearby residents and to leave the premises and area quietly. • Deliveries of materials necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents. • The Event Organiser will ensure that staff who arrive early morning or depart late at night when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents. • A local company has been appointed to provide a mini bus shuttle service every 20 to 30 minutes to pick up and drop off at

	<p>Bicester North Railway Station and within the festival site There is no charge for festival goers or festival staff</p> <ul style="list-style-type: none"> • Bright lights used during the event will be switched off when daily events finish and will be replaced with normal lights around the area to provide a safe pathway • Adequate waste receptacles for use by customers and vendors will be provided in the local vicinity.
Protection of Public Safety	<ul style="list-style-type: none"> • Marshals (wearing high visibility clothing) will be posted on the approach roads to the access of the site to ensure minimal delays and to warn drivers approaching from each direction of possible hazard. at least 3 either side of the access (1st one 200 meters each end of the access road, 2nd within 100 meters, 3rd 20 meters) plus 2 at the entrance • Advance warning signs, approved by Highways, will be posted no later than 48 hours prior to the event informing local traffic there will be a festival during the relevant dates • A log book or recording system shall be kept in the central control room in which shall be entered particulars of inspections made; by the appointed person(s) to be made by statute, and information compiled to comply with any public safety condition attached to the premises licence that requires the recording of such information. The log book shall be kept available for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation. • Alternative access to the main gate is provided for emergency vehicles. The default access is point A on the general site plan via Grange farm • A 2 man team of qualified and registered paramedics will be on site the whole time of the festival opening times • 2 main first aid posts, one being the paramedic post • All parts of the premises and all sanitary accommodation, washing facilities and other installations, will be maintained at all times in good order and in a safe condition. • Any cables will be securely fitted out of the way of the public to negate any risk issues • All fencing will be properly secured and clearly marked with high visibility markings • No vehicles (unless authorised by the Event Organiser) will be allowed on licensed part of the festival site during the opening hours, unless an emergency service vehicle which will have a banksman on foot to ensure safety of the public. • An emergency public address system will be available for emergencies or announcements • All Public areas will be regularly patrolled by marshals and

	security personnel to identify possible issues with public safety
Protection of Children from Harm	<ul style="list-style-type: none"> • We as holders of premises licences and personal licences fully understand and have a statutory responsibility to promote the protection of children from harm in and in the vicinity of the premises. • The protection of children from harm requires the proactive involvement (and sometimes training) of the management and staff to ensure that the needs of under 18's are considered and addressed in the day-to-day operation of the premises. • A lost children procedure to be known by all staff and included in our Emergency Management Plan and detailed below • The License holder, the child safety office and the deputy event organiser all hold Enhanced DBS certificates and these will be viewable at the control centre • Every effort will be made to ensure the safety of those under 18 and to keep them from harm • Children will not be allowed in the area of the Bar where alcohol will be sold unless accompanied by an adult • On entry, ALL children under 16 will be issued a secure wrist band which we will ask the parents/guardians to write their name and a mobile number, this will assist if the child is lost • We will advise parents and guardians to point out the Security personnel, the meeting points and central control area (all will be clearly marked with flags) in case the children become lost, they should head for any of these locations and speak to a staff member, who will then follow the lost child program

4..4 The relevant sections of the Guidance and Licensing Authority Policy issued under the Licensing Act 2003, which are applicable to the representations for this case are as follows:

GUIDANCE ISSUED UNDER SECTION 182 OF THE LICENSING ACT 2003, JUNE 2013:

Page 10	Section 1.19	Other Relevant Legislation
Page 66	Sections 10.8 – 10.10	Imposed Conditions & Proportionality
Pages 11 - 12	Sections 2.1 – 2.7	Crime & Disorder
Pages 14 - 15	Sections 2.18 – 2.24	Public Nuisance

Page 1	Policy GN1	Sections 1.1.1 – 1.1.2	Objectives
Pages 3 - 4	N/A	Sections 2.5.1 – 2.5.13	Fundamental Principles
Pages 19-21	Policies LA4 – LA6	Sections 7.3.1 – 7.3.13	General Prevention Of Public Nuisance including Addressing Local Concerns and Management and Control
Pages 37 - 38	Policies OS17	Sections 8.8.1 – 8.8.2	Operating Schedule - Public Nuisance Noise

5.0 Consultation

The applicant carried out a full consultation in accordance with the requirements of the Licensing Act 2003 for a period of 28 days ending at midnight on 4 August 2013.

Please be advised that at the time of writing this report, the consultation had not concluded. Any additional information received by the end of the consultation period will be circulated to all parties electronically before the hearing and hard copies made available at the hearing.

6.0 Alternative Options and Reasons for Rejection

6.1 The following options have been identified. The approach in the recommendations is believed to be the best way forward

Option 1: Approve the application for the grant of a premises licence as submitted

Option 2: Reject the application for the grant of premises licence in whole or part

Option 3: Place conditions on the grant of premises licence and/or require changes to the details of the permissions sought.

7.0 Implications

Financial and Resource Implications

7.1 Due to the timescales involved in circulating this report, it has not been possible to assess the financial and resource implications. These will be assessed and presented to the sub committee at the hearing.

8.0 Decision Information

Wards Affected

Chesterton

Links to Corporate Plan and Policy Framework

As detailed in the current Service Plan

Lead Councillor

None

Document Information

Appendix No	Title
1	Application for a premises licence to be granted under the Licensing Act 2003 in respect of the Home Grown Music Festival
2	Revised Operating Schedule
3	Emergency Management Plan
4	Site Location
5	Site Plan
6	Route Map 1
7	Route Map 2
8	Route Description
9	Response from Oxfordshire Fire and Rescue Service
10	Response from Cherwell District Council Anti Social Behaviour Team
11	Supporting documents from Cherwell Anti Social Behaviour Team
12	Representation from Laura Morris of the Licensing Team at Thames Valley Police
13	Representation from Mr Ford
14	Representation from Mrs Ford
15	Representation from Helen Lashbrook
16	Representation from Chesterton Parish Council
Background Papers	
Members have been issued with copies of the Guidance, the Statement of Licensing Policy and the Council's pool of conditions and are asked to bring them to the meeting	
Report Author	Claire Bold, Licensing Team Leader
Contact Information	01295 753741 claire.bold@cherwell-dc.gov.uk