



Minutes of the meeting of the **Alcohol and Entertainment Licensing Sub-Committee** held in Old Court Room - The Council House (Chichester City Council), North Street, Chichester on Thursday 11 July 2019 at 9.30 am

Members Present: Mr H Potter, Mr A Sutton and Mrs S Taylor

Members not present:

In attendance by invitation:

Officers present all items: Mr N Bennett (Divisional Manager for Democratic Services), Mr T Day (Environmental Coordinator), Mr L Foord (Divisional Manager for Promotion and Events), Miss S Hurr (Democratic Services Officer), Mr D Knowles-Ley (Licensing Officer) and Mr P Thomson (Environmental Health Officer)

23 **To elect a Chairman for this Hearing**

It was proposed by Mrs Taylor and seconded by Mr Sutton that Mr Potter be elected as the Chairman for this meeting of the Alcohol and Entertainment Licensing Sub-Committee (AELSC).

Mr Potter consented to act as Chairman and duly chaired the whole of the meeting.

Mr Potter read out the emergency evacuation procedure for the benefit of the members of the public who were present.

24 **Declarations of Interests**

There were no declarations of interests made at this meeting.

25 **Holly Tree Field (Park Farm), land South East of Tangmere Airfield, Decoy Lane, Chichester, West Sussex (Ordnance Survey Grid Reference Number: SU 9192 0498)**

Preliminary Matters

Mr Potter confirmed the address of the premises which were the subject of the hearing which would take place in respect to agenda items **3 as being Holly Tree**

Field (Park Farm), land South East of Tangmere Airfield, Decoy Lane, Chichester, West Sussex (Ordnance Survey Grid Reference Number: SU 9192 0498)

Mr Potter confirmed with the AELSC members that they had received and read the agenda papers for this meeting; namely the agenda.

Mr Potter confirmed the entirety of the meeting would be held in public session (apart from when the AELSC retired to consider its decision) and therefore there would be no requirement at any point to pass a resolution to exclude any press representatives or the public.

Mr Potter formally opened the hearing and advised that Mr Bennett would retire with the Sub-Committee, in the event of any legal advice being required, when they made their decision in respect of the application.

Divisional Manager's Introduction

Mr Foord, Divisional Manager, Communications, Licensing & Events outlined the details of the application submitted by Wild Field Events Limited of 3 Oak Close, Chichester, West Sussex associated with the land at Holly Tree Field (Park Farm) to determine a Premises Licence. Mr Foord provided an enlarged colour illustrated version of the plan of the site. Mr Foord confirmed it was the intention of the applicant to seek licensable activities for the hours as follows:

Licensable activities	Proposed by Application
'Supply of alcohol' (for consumption 'on' and 'off' the premises)	Monday to Friday 12.00 – 23.00 Saturday 10.00 – 23.00 Sunday 10.00 – 22.00
Plays (Indoors & Outdoors)	Monday to Friday 12.00 – 22.00 Saturday & Sunday 10.00 – 23.00

Films (Indoors & Outdoors)	Monday to Friday 12.00 – 22.00 Saturday & Sunday 10.00 – 23.00
Live Music (Indoors & Outdoors)	Monday to Friday 12.00 – 23.00 Saturday & Sunday 10.00 – 23.00
Recorded Music (Indoors & Outdoors)	Everyday 09.00 – 00.00 (midnight)
Performance of dance (Indoors & Outdoors)	Monday to Friday 12.00 – 22.00 Saturday & Sunday 10.00 – 23.00
Late night refreshment (Indoors only)	Monday to Thursday 23.00 – 00.00 (midnight) Friday to Sunday 23.00 – 01.00
Hours premises are open to the public	Everyday 00.00hrs – 00.00hrs (The premises is not open to the public other than during specific events)

Mr Foord confirmed the application was prepared and submitted by Mrs Sue O’Keeffe the sole director of Wild Field Events Limited listed as ‘active’ on Companies House since 5th October 2018 as a private limited company. The business nature of Wild Field Events Limited was described on Companies House as providing ‘amusement and recreation activities’. Mr Foord added that if the Sub-Committee determined to grant a Premises Licence today the permission would be issued to Wild Field Events Limited as it is their proposal to carry on a business which involves the use of the premises for licensable activities.

Mr Foord explained that Wild Field Events Limited was represented at the hearing by Mrs Sue O'Keeffe and Mr Kevin O'Keeffe.

Mr Foord clarified that if the decision was to grant a Premises Licence, it was understood that Wild Field Events Limited would not be required to seek planning permission for a change of use of the land. If there were to be any possible planning implications, these must and would be dealt with separately, to those matters being considered under the Licensing Act 2003 and this approach is supported by the current Home Office Statutory Guidance issued nationally to all Licensing Authorities.

Mr Foord drew the Sub-Committee's attention to a statement provided by the applicants and although a full copy of the original application had been reproduced within the bundle, the proposed type of activities intended to be held at the site were summarised as:

- To cater for events, functions, weddings and glamping
- Private/corporate functions, and
- Theatre productions and film showings

Mr Foord confirmed the Agenda papers had been provided or made available to all parties connected to the Hearing. The statutory Notice of Hearing under the Licensing Act 2003 (Hearings) (Amendment) Regulations had been sent to the applicant and all persons who had made relevant representations. 17 parties had received a Notice of Hearing and the application had attracted eight responses, all except one of which were received within the prescribed time. Two responses confirmed non-attendance and the remaining six confirmed attendance, but not necessarily wishing to address the Sub-Committee. Of these responses the Environmental Protection Team in their role as a Responsible Authority confirmed attendance but that they did not wish to address the Sub-Committee.

Mr Foord explained that within the proposed limit of 28 days use, the application expressly sought permission for an annual festival. In view of this, the applicant provided a copy of their draft Event Safety Management Plan regarding a festival they had hoped to stage in 2019. It is important to note therefore that this document was primarily related to the event known as 'Wild Field Family Festival' originally scheduled for 9th to 12th August 2019. This documentation was subject of separate consideration by the Chichester district Safety Advisory Group ('SAG') as highlighted in the bundle. The applicant had also submitted additional supporting operational policies, all of which are contained within the Event Safety Management Plan and again have been scrutinised by members of the Chichester district SAG. Mr Foord added that since the application was submitted, written confirmation had been received from the applicant on 4th June 2019 that the proposed festival for August 2019 had been cancelled. The applicant had also published a statement to this effect on their website providing an explanation, and offering full refunds to those who had purchased tickets.

Mr Foord gave a summary timeline of this application:

- Wild Field Events Limited applied for a Premises License on 2nd May 2019.
- The period during which relevant representations could then be made ran for 28 consecutive days concluding on 30th May.
- Throughout this period relevant statutory Notices were displayed at the premises and an appropriate advert published in the West Sussex Gazette on 8th May.
- Details of the application were also included within the council's weekly report identifying all valid applications/notices recently received by the Authority under the Licensing Act 2003 and subsequently published on the website. The report provides information about, or enables individuals to view details of all current applications/notices received, electronically scanned documents where appropriate and details of all current granted licences or certificates.

Mr Foord reiterated that 17 representations had been received. Three were from Parish Councils, one was from the Ward Councillor for North Mundham and Tangmere and one from the Responsible Authority with recognised lead for environmental protection matters. The remainder were from members of the public. Six separate pieces of correspondence were also received in support of the application during the consultation period, which were included in the bundle.

Mr Foord also further explained that the applicant had offered a number of conditions (included in the bundle) and was willing for them to be attached to the Premises Licence if the Sub-Committee were minded to grant the application. Mr Foord reminded the Sub-Committee that the inclusion or otherwise of any proposed conditions was ultimately a matter for them to determine.

Mr Foord requested that the applicants confirm whether the report outlined their application accurately. Mr and Mrs O'Keeffe confirmed Mr Foord's report as an accurate and thorough appraisal of their application. Mr Foord introduced the applicants and invited them to address the committee.

Applicant's Opening Address

Mr O'Keeffe explained that Mrs O'Keeffe was the owner and founder of Wild Field Events Ltd, with over thirty years of experience of running events, including 13 years as the Events & Function Manager at the Weald & Downland Living Museum. This application was for land known as Holly Tree Field, owned by Park Farm, Aldingbourne. A plot of approximately 1.5 acres in the North West corner of the field was leased to Wild Field Events, with additional use of the whole field after harvesting for an annual family festival. Wild Field Events had chosen this venue specifically for its rural location sited a good distance away from most residential properties.

Mr O'Keeffe outlined the events the company was planning to hold which included a maximum of 15 events on the site requiring a License, over a maximum of 28 days in a single year. The events would mostly take place between April and October.

Other than the annual family festival, all events would take place in the North West corner of the field on a designated plot.

Mr O’Keeffe confirmed that all events would have less than 250 guests other than the Family Festival, which would have up to 4999 guests, although Wild Field Events would be happy to reduce this number to 2500 guests. The annual family festival would be held over two days with three nights’ camping. Wild Field Events also wishes to offer a variety of small events such as corporate days, eco weddings, children’s parties and Christian retreats, which would not require a licence but be covered under a ‘Temporary Event Notice’.

Mr O’Keeffe concluded that Wild Field Events had worked with the authority’s Licensing Team, Mr Paul Thomson from the Environmental Protection Team was satisfied with their plans, and Wild Field Events were awaiting a mediation appointment so had not yet had an opportunity to respond to any of the objections. Mr O’Keeffe clarified that they wished to remove the woods known as Smiths Copse from the application and that the Common Ground to the north of the field was not included in the application. Wild Field Events has been advised that the Family Festival would be permitted under a Temporary Event Notice in its first year. The festival’s Event Management Safety Plan confirmed that other than the sale of alcohol, all other licensable activities including music were planned to finish at 8.00pm. Mr O’Keeffe added that Wild Field Events would submit a ‘safety plan’ for events attended by over 250 people. Mr O’Keeffe iterated that Wild Field Events were family orientated, providing people with an opportunity to enjoy being out in the open.

Points of Clarification Sought by the Committee:

Mr Sutton requested clarification regarding the reason for not having chosen to use a Temporary Event Licence, how vehicles would be accommodated and managed, and area 2 on the map, would be excluded from use? Mrs O’Keeffe responded that the Safety Advisory Group had advised gaining a full Premises Licence. A traffic management company would be used for larger events but not for smaller events due to costs. Parking would be accommodated on the site, and if the weather was inclement, the event could not take place. The public would be excluded from specific areas by fencing and stewarding.

Mr Bennett, Divisional Manager for Democratic Services requested the maps were made available and shown to the Sub-Committee and members of the public, illustrating the exact location of the events area. This was duly done.

Mrs Taylor requested clarification regarding what was considered ‘small’ in terms of number of people. Mrs O’Keeffe confirmed that glamping would be made available for up to ten people, and emphasised that a management plan would be established for events held for up to 250 people. Mrs O’Keeffe added that she had worked with West Sussex County Council Highway Officer Mike Dare regarding a proposed traffic management plan which included speed limits, and resolving the issue of potential mud on the highway.

Mr Potter requested information regarding the cancelling of this year's Family Festival event. Mrs O'Keeffe responded that due to personal reasons, she had been unable to devote sufficient time to marketing the event which had impacted on ticket sales.

Oral Submission by the Representors

Mr Foord invited members of the public making representations to address the Sub-Committee.

The Following representors address the AELSC:

Mr Nigel Horwill expressed his concerns regarding the potential number of vehicles, and traffic and noise issues, as his property is 500 metres from the site.

Mr Paul Thomson, Senior Environmental Protection Officer, outlined his experience of environment protection, with particular reference to noise control and monitoring, and memberships of relevant institutes. Mr Thomson explained the current guidance for outdoor events was The Noise Council's 'Code of Practice on Environmental Noise Control at Concerts' and his role on the working group with responsibility for updating the guidance. Mr Thomson referred to his team's objective to provide comment in relation to the licensing objective 'The Prevention of Public Nuisance' and with regards to this application the control of noise from amplified live and recorded music and associated activities. Having assessed the application, and visited the site, Mr Thomson considered that the submission of a robust Event Management Plan for prior approval would be an adequate control to minimise the potential for public nuisance. The Environmental Protection team would also review and ensure appropriate noise control measures were established for each event and would aim to monitor larger events. Mr Thomson also provided details of the 'hotline' and formal complaints procedure.

Mr Sutton sought clarification regarding licensing conditions and Mr Foord responded that if the Sub-Committee were minded to grant the licence, appropriate conditions could be attached.

Mr Potter sought clarification regarding the protection of birds. Mr Tom Day, Environmental Co-ordinator within the Environmental Protection Team drew the Sub-Committee's attention to the report outlining concerns regarding the impact on the ancient woodland, and confirmed that Smiths Copse would be removed from the plan to protect nesting birds and bats but there was no data available relating to ground nesting birds, but such birds were unlikely to be present in an arable field.

Mr Bennett showed the members of the public present a large scale map of the proposed area highlighting in particular Smiths Copse.

Mr Day confirmed that a 'buffer area' of five to ten metres would avoid disturbing wildlife.

Councillor Simon Oakley expressed his concerns regarding the number of days events might take place, issues of alcohol consumption, traffic leaving the site, the

need for an ecological survey, the type of fencing around the event area and sale of alcohol for off-site consumption.

Mrs O’Keeffe explained that some of the stall holders make beverages for home consumption but restrictions could be put in place.

Mr Foord confirmed that it was not unusual for events to have the ability for retail sale and an appropriate condition could be included by the Sub-Committee if minded to do so in the granting of a licence for such sales to take place using sealed containers.

Councillor Simon Oakley commented that this would be difficult to control, and further expressed his concerns regarding the reduced cutting of verges by West Sussex County Council which may hinder safe refuge for pedestrians from passing traffic and the need for a ‘Traffic Management Plan’, together with the repair of holes across common land for pedestrians.

Mrs O’Keeffe explained that an Event Management Plan would be established for each individual event, areas for pedestrians to walk would be limited and plans would not be made ‘on the hoof’.

Mr Bennett reminded the hearing that a decision would be based on the full facts and that ‘on the hoof’ was not an appropriate phrase for a quasi-judicial process.

Councillor Simon Oakley asked if walking would be encouraged as a sustainable method of reaching the events.

Mrs O’Keeffe confirmed that this may be a suitable alternative for events at other locations, but walking would not be recommended for this site.

Mr Foord responded that each application was considered on its own merits and that the statutory guidance stated that overly burdensome conditions should not be imposed and the Home Office guidance stated that licensing conditions cannot seek to manage people beyond the direct control of the licence holder.

Councillor Simon Oakley commented that bus services do not run at weekends and requested information regarding how if necessary people would be evicted from the site.

Mrs O’Keeffe responded that such situations would be dealt with by a management team.

Mr Bennett reminded that hearing, that highway matters were the remit of West Sussex County Council and that the hearing was the consideration of licensing objectives with appropriate conditions, and that debate should focus on statutory issues.

Ms Kirsten Lanchester expressed her concerns regarding dogs on site disturbing wildlife, licensing hours, playing of music, adjacent deep ditches, sale of alcohol, pedestrians in the road and volume of traffic.

Mrs O’Keeffe responded that dogs will not be permitted, and the ditch will be outside the area of the events. Live music does not refer to music being played ‘live’, and music played live for weddings would be inside a marquee. Recorded music played on a Sunday would end at 11.00pm.

Mr Thomson confirmed that noise levels would be required to be reduced for recorded music after 11.00pm.

Supporter Mrs Wendy Berry commented that Mrs O’Keeffe was an experienced events- organiser of 30 years and meticulous with regards to matters of health and safety. She had worked with the applicant for between 6 and 8 years and expressed her opinion that Mrs O’Keeffe was perfectly capable of putting on a successful, environmentally friendly event.

Mr Anthony Laurence expressed concerns regarding the impact on wildlife, safety in connection with a nearby deep pond, safety of pedestrians, impact on bats including a rare breed of bat, and pedestrians walking in close proximity to houses. Mr Day confirmed that the potential impact on bats was a concern. Mr Sutton added that a wildlife survey had not been included within the bundle. Mr Bennett responded that protections were in place for animals but, the focus for the hearing were factors associated with licensing. Conditions could be added if the licence were granted, but the licence could not be expected to resolve all problems. Environmental issues should be taken into account for establishing conditions but the hearing should not ‘drift’ into discussing non-licensing matters.

Mr Sutton commented that people leaving the site may have an impact on wildlife. Mr Bennett responded that a licensee could not be held responsible for people once they had left an event. There should be confidence in the plan, that it illustrates a well-managed site, but iterated the importance of considering only the licencing objectives.

Mrs O’Keeffe confirmed that areas external to the site could not be managed, although plans for leaving the site would form part of the preparations. Lighting would also be sympathetic to wildlife and no fireworks were planned.

Mr Anthony Lawrence suggested that 2,500 cars would have shining lights and Mrs O’Keeffe confirmed she anticipated only 600 cars.

Mrs Di Pitts reading out a letter on behalf of Mr John Pitts expressed concerns that the Council as the Licensing Authority had not consulted with residents in close proximity to the site, the application lacked details, significant challenges would be associated with volume of people and traffic which would have a negative impact on residents, horses, cattle and crops. Mr Sutton expressed concerns for horses near to the site and Mrs O’Keeffe responded that she had run events which included horses at Weald and Downland Museum and would ensure that horses within the vicinity were not distressed by noise.

The Sub-Committee took a short break.

Applicant's Closing Summary

Mrs O'Keeffe began by confirming that Smiths Copse and the ditch would be outside of the area of the event. There would be a maximum of 2,500 attendees, and the events would end at 11.00pm on a Sunday. The nature of the event would be agreed with the landowner and Mrs O'Keeffe had no wish to put him in a difficult situation. Mrs O'Keeffe had recently been requested to organise a Prom Party which she had refused, as she wished her events to be family orientated, eco-friendly and sustainable.

Mr Bennett confirmed that a licence could include review mechanisms and could be altered. Everyone had a right to appeal, and in such a situation a new hearing would be presented with new information. The Council as a licensing regulatory body was required to continue to monitor, and a licensing matter can be returned to committee as necessary. Mr Bennett made the hearing aware that full resources were available as required.

Mrs Taylor sought clarification with regards to stewards, and sufficient resources to deal with any issues which may occur. Councillor Simon Oakley requested what assurance could be given in relation to the protection of wildlife and prevention of crime. Mrs O'Keeffe confirmed that consideration had been given to all matters.

Councillor Simon Oakley requested information with regards to the type of boundary fencing, and whether an ecological survey could be undertaken. Mrs O'Keeffe confirmed the fencing would be Heras fencing for a festival and shorter fencing for smaller events. Mr Bennett confirmed that an ecological survey was not relevant with regards to a licensing application.

Divisional Manager's Conclusion

Mr Foord explained that the Licensing Act 2003 and regulations require that the Council, as local Licensing Authority, carry out its functions with a view to promoting the four licensing objectives:

- Prevention of crime and disorder,
- Public safety,
- Prevention of public nuisance, and
- Protection of children from harm.

In reaching their determination the Sub-Committee must have regards to recently revised Guidance from the Home Office in April 2018, this Council's current Statement of Licensing Policy and both oral and written evidence associated with this application.

Final Opportunity of Submissions

Mr Potter ascertained that everyone considered that had been given sufficient opportunity to address the Sub-Committee and that no-one wished to make any further points.

Retirement to Reach Decision

Mr Potter explained that Sub-Committee would retire with the CDC Litigation and Licensing Lawyer Mr Bennett, in his role as defined early in the hearing to consider its decision. The Sub-Committee would return to announce its decision within he anticipated, one and a half hours.

The Sub-Committee retired at 11.50am to make its deliberations and reach a decision with respect to the application. The members of the Sub-Committee were accompanied by Mr Bennett.

Decision

The Sub-Committee returned at 1.23pm from its deliberations to announce its decision with respect to the application.

Mr Potter read out the Sub-Committee's decision which was as he explained was an indicative version only. The final version would be published with any necessary corrections made.

The final perfected version is set out as follows:

The Chichester District Council as Licensing Authority by its Alcohol and Entertainment Licensing Sub-Committee determined on 11th July 2019 that a Premises Licence be granted for the above premises. The Committee resolved the application and granted it subject to times and conditions as set out below.

The hours and conditions have been determined on the basis of the sub-committee considering the geographical location of the premises and their close proximity to residential premises, ancient woodland and rich wildlife in the immediate vicinity and all evidence submitted both before the hearing (forming the papers for the hearing) as well as all representations at the hearing.

The Sub-Committee has taken due note of the representations made by the applicant and the concerns expressed, the issues raised in written submissions by the residents and representors, and the issues raised by the Senior Environmental Health Officers, which were the subject of discussion with the applicants through the hearing. The decision was based on the requirements of the four licensing objectives, namely crime and disorder, prevention of public nuisance, protection of children from harm and public safety, and Chichester District Council's Statement of Licensing Policy and National Guidance issued by Home Office.

The Sub-Committee having considered all of the above granted the application for the activities and timings as set out in the application as set out in the report to the Sub-Committee, subject to the following specific conditions:

- 1) That a noise control plan relating to the licensing conditions be submitted and agreed in writing by the Environmental Protection Team of the Chichester District Council.

- 2) That a traffic plan be submitted and agreed in writing by West Sussex County Council for all events with an anticipated attendance of more than 250 persons.
- 3) That a fencing plan be agreed with the Environmental Protection Team ensuring that a boundary is maintained 10 metres from the ditch shown on the relevant plan for all events with an anticipated attendance of more than 250 persons.
- 4) That no event be for more than 2500 persons.
- 5) That Sunday hours termination time be amended to 11pm for Schedule F (Recorded Music).

There may be further conditions attached to this Premises Licence that transfer automatically from the application or are mandatory under the Licensing Act 2003. Full details will be provided when the Premises Licence is issued.

In accordance with Schedule 5 of the Licensing Act 2003, you may appeal against this determination of the Licensing Authority to the Worthing Magistrates' Court, Christchurch Road, Worthing, West Sussex BN11 1JD.

Such an appeal must be commenced by notice of appeal given by the appellant to the Justices' Chief Executive for the Magistrates' Court within the period of 21 days beginning with the day on which the appellant was notified in writing by the Licensing Authority of the decision appealed against.

26 Consideration of any late items as follows:

There were no late items for consideration at this meeting.

The meeting ended at 1.26 pm

CHAIRMAN

Date: