

Alcohol and Entertainment Licensing Sub-Committee

Date and Time

Thursday 11th July 2019 at 9.30am

Venue: Old Court Room, Chichester City Council, North Street, Chichester, West Sussex,
PO19 1LQ

Application for a PREMISES LICENCE

Holly Tree Field (Park Farm)
Land South East of Tangmere Airfield
Decoy Lane
Chichester
West Sussex

(Ordnance Survey Grid Reference Number: SU 9192 0498)

1. RECOMMENDATIONS

- 1.1 That the Sub-Committee consider and determine an application made by Wild Field Events Ltd for a Premises Licence.**
- 1.2 If the determination is to grant the Premises Licence, to give consideration as to whether it is appropriate to attach conditions to ensure the Licensing Objectives are met.**
- 1.3 The Sub-Committee is to give reasons for its decision.**

2. REASONS FOR HEARING

- 2.1 The Premises Licence application submitted by Wild Field Events Ltd of 3 Oak Close Chichester, West Sussex, PO19 3AJ has been the subject of 17 (seventeen) relevant representations, the majority of which were from local residents living close to the application site. The remaining were three Parish Councils (Oving, Tangmere and Aldingbourne), Councillor Simon Oakley and the designated Responsible Authority under the Licensing Act 2003 (the 'Act') with lead for Environmental Protection matters. It is important to note at this early stage that of the 17 representations received, 11 (65%) are in opposition and six (35%) are in support of the application

3. BACKGROUND

Included in this report are the following attachments:

- 3.1 Copy of the Alcohol and Entertainment Licensing Sub-Committee Protocol and Procedure.

- 3.2 A plan depicting the local area and application site in relation to the representations received by the Licensing Authority. **(Attachment A)**
- 3.3 A copy of the Premises Licence application (19/00286/LAPRE). **(Attachment B)**
- 3.4 Copy of relevant representations and, where applicable, successful mediation. **(Attachment C)**

4 SUMMARY OF THE PREMISES LICENCE APPLICATION

- 4.1 A copy of the application is reproduced in full at Attachment B.
- 4.2 Wild Field Events Ltd, the applicant, submitted a valid application on 2nd May 2019. As part of the application process, statutory public notices were displayed at the application site during the representation period, which ran until 30th May 2019 and a suitable advert was published in the West Sussex Gazette on 8th May 2019.
- 4.3 The nature of the proposed Premises Licence application is described by the applicant as;

“Holly Tree field is an agricultural field currently laid to grass (hay) on a two year crop rotation and is adjacent to woodland to the north of the field boundary. Land own by Park Farm, Aldingbourne.

There are no buildings or permanent structures on site.

Wild Field Events Ltd will be leasing a portion of the land to cater for events, functions, weddings and glamping.

Wild Field Events Ltd will not hold events on the premises for more than 28 days in any calendar year and it is expected that due to the nature of the outside site, that many of these events will take place between April and October but not limited to.

Wild Field Events Ltd wishes to sell alcohol on site during public event, private/corporate functions, events and weddings.

We wish to include regulated entertainment at events, functions, gatherings, weddings, theatre productions and film.”

- 4.4 The application is not seeking permission to authorise 5,000 or more people in attendance at the premises at any one time.
- 4.5 The table below illustrates the standard days and timings being applied for.

Licensable activities	Proposed by Application
<p>'Supply of alcohol' (for consumption 'on' and 'off' the premises)</p>	<p>Monday to Friday 12.00 – 23.00</p> <p>Saturday 10.00 – 23.00</p> <p>Sunday 10.00 – 22.00</p>
<p>Plays (Indoors & Outdoors)</p>	<p>Monday to Friday 12.00 – 22.00</p> <p>Saturday & Sunday 10.00 – 23.00</p>
<p>Films (Indoors & Outdoors)</p>	<p>Monday to Friday 12.00 – 22.00</p> <p>Saturday & Sunday 10.00 – 23.00</p>
<p>Live Music (Indoors & Outdoors)</p>	<p>Monday to Friday 12.00 – 23.00</p> <p>Saturday & Sunday 10.00 – 23.00</p>
<p>Recorded Music (Indoors & Outdoors)</p>	<p>Everyday 09.00 – 00.00 (midnight)</p>
<p>Performance of dance (Indoors & Outdoors)</p>	<p>Monday to Friday 12.00 – 22.00</p> <p>Saturday & Sunday 10.00 – 23.00</p>
<p>Late night refreshment (Indoors only)</p>	<p>Monday to Thursday 23.00 – 00.00 (midnight)</p> <p>Friday to Sunday 23.00 – 01.00</p>

Hours premises are open to the public	<p>Everyday</p> <p>00.00hrs – 00.00hrs (The premises is not open to the public other than during specific events)</p>
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4.6 The applicant provided additional information in their Operating Schedule as to how they intended to promote all four of the Licensing Objectives as a result of the application (shown at Attachment B). Where appropriate these suggested steps would be translated into conditions if the application is successful. The applicant's proposals included, amongst other things, such matters as the following supporting policies:

- Drug & Alcohol Policy
- Conflict Management & Eviction Procedures
- Safeguarding Children & Vulnerable Adults Policy
- Lost/Found Child or Vulnerable Adult Procedures

4.7 Early in the event planning stage (5th February 2019), the applicant engaged with Chichester District's Safety Advisory Group (SAG). The purpose of the SAG is to offer guidance in order to assist the event organiser discharge their responsibilities. The SAG considers plans presented by the organisers on the content and structure of the safety elements of the event. It is not the role of the SAG to assist in the statutory planning or licensing authority processes or the writing of associated plans. The members of the SAG will not accept or adopt any of the responsibilities of the organiser.

The strategic objectives of the SAG are;

- To promote safety and welfare at events;
- To promote good safety and welfare practice in event planning;
- To ensure that well planned events have minimal adverse impact on those attending the event and local communities, and
- To promote mitigation for potential and unforeseen incidents.

4.8 Mrs Suzanne O'Keeffe is the proposed named Designated Premises Supervisor (DPS) on the Premises Licence application. Mrs O'Keeffe is an existing Personal Licence Holder with this Licensing Authority.

5 THE PROCESS AND PROMOTION OF LICENSING OBJECTIVES

5.1 The legislation provides clear focus on the promotion of four licensing objectives which must be addressed when licensing functions are undertaken. The licensing objectives are:

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

5.2 In carrying out its licensing functions, the Licensing Authority must also have regard to its current Statement of Licensing Policy 2016 – 2021 and Guidance published by the Home Office (April 2018) along with the relevant matters raised in the representation(s).

6 RELEVANT REPRESENTATION(S)

6.1 A representation is “relevant” if it relates to the likely effect of the grant of the Licence on the promotion of at least one or more of the licensing objectives. Representations can be in opposition and/or support of an application. As said at paragraph 2.1 above the application attracted 17 (seventeen) representations, 11 in opposition (65%) and six in support (35%). All representations whether in opposition or support, and where applicable, the outcome of successful mediation, are reproduced in full at Attachment C.

6.2 The key points extracted from a number of the representations in opposition to the application are summarised below, along with a reference to the relevant licensing objective:

“...we have to suffer the noise of the Goodwood Road Racing track on many days a year so adding whatever events are planned serving alcohol and the resulting behaviour that seem to accompany that would be a real intrusion to our peace and enjoyment of our home...” (The prevention of public nuisance)

“...There are risks that Wildlife and Habitat protection legislation could be breached as a result of the proposed events (including the effect of significantly increased noise and lighting as well as the set-up of the events which will include ground works and fencing installation). Given the presence of ancient woodland and the present rural nature of the area, the (Aldingbourne Parish Council) council considers this a significant risk should the licence be granted. It also requests that a comprehensive ecological survey of the site should be carried out prior to the licensing being granted.” (The prevention of public nuisance and the prevention of crime and disorder)

“...the applicant seeks permission for recorded music to be played until midnight, which in my view may cause a nuisance to local residents. For the type of events apparently envisaged, an earlier cut off time, and restrictions on sound levels should be determined in order to protect residents from noise nuisance.” (The prevention of public nuisance)

“...Furthermore undergrowth in the copse disguises various hazards including a large pond and I am concerned that especially for children, there is an issue of public safety unless the area is isolated from the main event area by adequate fencing...” (Public Safety)

“...This presents not only a security risk to our property while an event is ongoing, but also by effectively showcasing the location to thousands of unknown persons it will present a very real increase in security risks generally and will likely lead to an increase in future trespass, damage and theft.” (Prevention of crime and disorder)

“.....The location for 28 days of, as yet unknown, events (weddings, parties etc.) all serving alcohol with the potential for live and/or loud music, late nights, traffic etc. is simply not suitable.” (The prevention of public nuisance)

- 6.3 In addition to the above comments, the Licensing Authority received six written submissions in support of the event. These are summarised below and again included at Attachment C.

“...As a resident of Aldingbourne and Chair of Governors at the local Aldingbourne Primary School I think (the applicant) Sue’s efforts to bring the family festival to our area should be applauded and not only supported but encouraged whole heartedly”

“...events where people can come together are sadly very rare these days and I feel this event is just perfect to not only bring the community together but also showcase local talents and arts.”

“I’m sure many people are put off by the thought of a festival on their doorstep and imagine a Glastonbury type of event complete with drug taking and loud music. I would say you couldn’t be further from the truth and would urge you to look at the event (the applicant) Sue is trying to organise...”

“...As a Head Teacher of a local school I am frequently asked by parents if I am able to suggest events suitable for the whole family during the long summer break.”

“The location of the event seems very appropriate, away from local housing, but not too far for local residents and those living in nearby Chichester and surrounding villages to travel to...”

“The site is highly suitable being far enough away from housing so as to cause minimal disturbance to residents in Oving and yet be accessible to local families. The event is likely to bring other families to the Chichester area and promote Chichester as a destination for families.”

“What a wonderful idea to have a family/children’s festival where children can be children, play games, make crafts, be entertained with lots of adult supervision. Camp under the stars and not a games console in sight.”

“Also a lovely setting for people to have a “wedding in a field” away from the hustle of a town, away from houses, no one to disturb and allowing the farmer to use his field for positive things. What a fabulous idea.”

- 6.4 As previously stated, three Parishes Councils submitted relevant representations in opposition to the application, namely Oving, Tangmere and Aldingbourne along with the Responsible Authority with the lead for Environmental Protection matters and Cllr Simon Oakley in his right as the local Ward member. These are reproduced in full at Attachment C.
- 6.5 The applicant and all parties that made a relevant representation were sent the statutory Notice of Hearing inviting them to attend or nominate another person to address the Sub-Committee on their behalf.

7 CONSIDERATION

- 7.1 In reaching its determination the Sub-Committee must take into consideration the four Licensing Objectives, the Council's Statement of Licensing Policy, the current Home Office Guidance and written and/or oral evidence during the hearing
- 7.2 It is very important to note that these are the only matters to be addressed by the Licensing Authority when considering this application. The Licensing Objectives are the only grounds on which representations can be made, and the only grounds on which the Licensing Authority will be able to refuse an application or impose appropriate conditions in addition to mandatory conditions and those proposed by the applicant in their Operating Schedule.
- 7.3 Human Rights considerations must be taken into account fully in balancing licensing issues, in particular, article 1 of the first protocol and articles 6 and 8. Article 1 relates to the protection of property and the peaceful enjoyment of possessions and property (holding a licence would be considered a possession). Article 8 relates to the right to respect for private and family life, home and correspondence. Article 6 relates to the right to a fair trial. These are however qualified rights and can be deprived of "in the public interest". Interference is permissible if what is done: -
- Has its basis in law;
 - Is necessary in a democratic society to fulfil a pressing need or pursue a legitimate aim,
 - Is proportionate to the aims being pursued; and,
 - Is related to the prevention of crime or, the protection of public order or health or the protection of the rights and freedoms of others.
- 7.4 The Sub-Committee must consider each application on its own merits, and in accordance with the principles of natural justice, as well as the provisions of the Licensing Act 2003. All relevant factors must be taken into account, and all irrelevant factors must be disregarded.
- 7.5 All applications before the Sub-Committee must be considered against the backdrop of anti-discriminatory legislation including the Equality Act 2010 and in accordance with the Council's current Equality Strategy.
- 7.6 In accordance with Section 17 of the Crime and Disorder Act 1998, the Council is under a duty to exercise its functions with due regard to the likely effect on, and the need to do all it reasonably can to prevent, crime and disorder in its areas. The possible crime and disorder implications are clearly relevant factors in the consideration of all applications and this is re-emphasised by the Licensing Act 2003 itself. In giving "due regard" to these possible implications members will consider and weigh up all the information available and representations made, including those from Persons and the Responsible Authorities.
- 7.7 The Sub-Committee are required to give reasons for their decision.

8. OPTIONS OPEN TO THE SUB-COMMITTEE

- 8.1 When considering this application the following options are available to the Sub-Committee:
- a. To grant the Premises Licence, as requested,

- b. To grant the Premises Licence, as requested, with additional conditions appropriate to the promotion of the specific Licensing Objectives on which relevant representations have been received,
- c. Reject the whole or part of the Premises Licence application.

8.2 The Sub-Committee may also:

- d. Grant the Premises Licence but exclude certain licensable activities from the licence,
- e. Grant different conditions to different parts of the premises or to different Licensable Activities.

9 BACKGROUND PAPERS

Licensing Act 2003

Home Office Guidance issued under section 182 of the Licensing Act 2003 (April 2018)

Chichester District Council's Statement of Licensing Policy 2016 - 2021

10 ATTACHMENTS

- Attachment A:** Plan of the local area and application site
- Attachment B:** A copy of the Premises Licence application (19/00286/LAPRE)
- Attachment C:** Copy of original relevant representations and where applicable mediation
- Contact:** Mr L Foord
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