

GUILDFORD BOROUGH COUNCIL

LICENSING ACT 2003 RECORD OF HEARING AND DECISION TAKEN BY THE LICENSING SUB-COMMITTEE	
DATE OF HEARING	Wednesday 1 April 2020
SUB-COMMITTEE MEMBERS PRESENT:	Councillor David Goodwin (Chairman) Councillor Joss Bigmore Councillor James Steel
OFFICERS PRESENT:	Sophie Butcher (Democratic Services Officer) Raj Devandran (Solicitor) Eamon Sharkh (Trainee Solicitor) Mike Smith (Licensing Team Leader) Darren Spice (IT Portfolio Manager)
DISCLOSURES OF INTEREST BY MEMBERS PRESENT:	None
PREMISES:	Shalford Park, Shalford Road, Guildford, GU1 3XL
TYPE OF APPLICATION:	Application for the Grant of a Premises Licence
DETAILS OF APPLICATION SOUGHT:	The application is for a premises licence to hold a festival.
APPLICANT:	Market Square Group, Leys House, Elton Road, Sibson, PE8 6JZ
OTHER PERSONS:	Mr Richard Stringer

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DETAILS OF DECISION TAKEN:

In arriving at its decision, the Sub-Committee took into account the relevant representations submitted verbally and in writing. The Sub-Committee was also made aware that the following sections of the Licensing Policy were relevant:

- Section 4: (Fundamental Principles)
- Section 12.1 (Large Scale Events)
- Section 12.4: (Prevention of Public Nuisance)
- Section 13 (Licence Conditions)

The following sections of the Guidance issued in April 2018 by the Secretary of State under Section 182 of the Licensing Act 2003 are relevant:

- Paragraphs 2.15 – 2.21 – Public Nuisance
- Paragraphs 5.25 – 5.26 – Large scale time-limited events requiring premises licences
- Paragraphs 9.31 – 9.41 – Hearings
- Paragraphs 9.42 – 9.44 – Determining actions that are appropriate for the promotion of the licensing objectives
- Paragraphs 10.1 to 10.66 – Conditions attached to premises licences

The Sub-Committee received a report from the Licensing Officer who stated that the Sub-Committee had convened to consider an application for the grant of a premises licence at Shalford Park, Shalford Road, Guildford, GU1 3XL. The landowner was the Local Authority who could restrict the use of the park. A current premise licence, GUPLA0635 was held by Guildford Borough Council which allowed licensable activities 7 days a week between 0800 hrs and 0000 hrs (Midnight) but did not include the sale of alcohol. Regular music festivals/events had been held on this site since the granting of this licence.

The application had been originally submitted to host a festival at Shalford Park on 6-7 June 2020. The licensable activities included were as listed below, between the hours of 09:00 – 22:00.

- The sale of alcohol
- Performance of dance
- Live Music
- Recorded Music

A total of seven representations had been received from other persons concerning issues in relation to public nuisance, noise and general disturbance. In addition, the Guildford Safety Advisory Group had met with the event organisers to discuss the plans for the event. A number of licensing conditions had been proposed to be attached to the licence, if granted.

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The Solicitor advised the Sub-Committee that given the land was in the ownership of Guildford Borough Council, who had the final say on whether to allow any events to be held on their land, controls were therefore in place to meet the promotion of the four licensing objectives.

The Sub-Committee noted the following submissions made by the applicant, Mr Paul Kennedy:

- Four of the objections received from other persons seemed to relate to similar issues. Since the objections had been submitted, the Events Production Officer had been in contact with the Licensing Officer to agree additional conditions so to allay any concerns the residents may have.
- The applicant was in agreement with the additional conditions as outlined in the officer's report. However, they wanted it noted that no.2 should read 10:00 – 22:00 for amplified public entertainment [post-meeting note: the time was listed as 10:00 in the officer's report and not 11:00 as inferred at the hearing].
- The Event Management Plan provided more details on specific timings.
- Concerns raised regarding noise levels and its effect upon children should the event run until 10pm were rebutted given that it was the organisers intention to stop the event between 6pm – 7pm.

The Chairman invited the objector Mr Richard Stringer to outline his concerns:

- The main concern was in relation to the potential for a number of events to be held including weekdays as well as the potential for the event to become a public nuisance. He noted that there would be a number of SIA staff, and dispersement policies were in place. However, he was concerned regarding the number of 5000 people permitted in total, which should be limited for the park space as a whole. A number of SIA staff should be allocated for the park space, per attendees, as this had not been detailed in the application.

The applicant, Mr Kennedy made the following comments in response:

- Although the licence was to last 365 days, there were plans for one event only and it was in the Council's hands to allow or refuse more than one event during a year.
- The provision for events to be held on weekdays had been included in the licence application to provide a contingency plan should something major happen to prevent the event from taking place on a Saturday (for example) and the event would need to be moved to Sunday to Monday. The intention was however to run the event at the weekend.
- The event was family focussed and such events tended to police themselves as people attend to enjoy the music and relax with their children. A reliable security firm was used who would ensure that the right number of SIA Security Staff were in attendance and was very familiar with the Purple Guide used in Guildford.
- A cap of 3000 people on Saturday and 2000 people on Sunday had been put in place.
- In terms of selling tickets for the event, it was likely they would be able to assess the total anticipated numbers attending approx. one month prior to the event by reviewing online sales figures. The relevant number of SIA staff would be allocated accordingly.
- It was unlikely to have the scenario where for example only 500 online ticket sales had been achieved and 1,500 on door ticket sales, however, contingency security staff were in place and would be employed if the number of attendees exceeds the number expected.

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- The size of the area was mentioned in one of the objections as being bigger than Weatherspoon's. It was approx. the same size as a football pitch but was bigger than the amount of space required for 3000 people as it also had to include an acoustic stage, fair rides and other attractions.

The Licensing Team Leader confirmed that the maximum attendance permitted for an application such as this was up to 5000 people. The applicant would have to pay a higher fee and apply for a variation to the licence if attendance was to exceed 5,000 people. Additional conditions had been proposed and included the requirement for a Risk assessment and Event Management Plan which had been agreed by the applicant and circulated to the Licensing Safety Team, Environmental Health and Surrey Police.

In response to questions raised by the Sub-Committee the applicant confirmed the following:

- They were happy with the proposed additional conditions detailed. They wanted to open from 10am and not 11am so that people could start to enter the site. Music would not be played at that time.
- Owing to the coronavirus (COVID-19) the event scheduled for 6-7 June 2020 had been cancelled and rearranged for June 2021. They had a website already set up for ticket sales but would not be used until next year. The applicant wished to proceed with the application, despite the cancellation as they wanted to have the licence in place ready to go when the restrictions were lifted.
- The location of the bar, stage, security position and toilets would be agreed closer towards the time of the actual event taking place.
- It was not their intention to use the full capacity of the site which was 5000 people at any one time. Saturday had been capped at 3000 and Sunday at 2000 people. Whilst the park's capacity would accommodate more people than that, they wished to start out small initially to assess how successful the event would be. The traffic situation also needed to be monitored as they did not wish for the event to cause an undue amount of traffic and nuisance to residents. Marshalls would be employed to stop people from parking across driveways and double yellow lines.

The Chairman asked the Licensing Team Leader to confirm that he had spoken with the applicant about deferring the application. The Licensing Team Leader confirmed that the Licensing Authority had to hold a hearing in respect of licence applications where objections had been received within 20 working days from the last day of consultation. The Licensing Sub-Committee also had the option to start and adjourn a hearing to a later date. Owing to the uncertainties surrounding the length of time the UK would be in a lock down situation because of the coronavirus it was best to proceed with applications so that licences could be put in place ready for when restrictions were eventually lifted. The applicant again confirmed that it was their intention to now hold the festival in June 2021. The Solicitor confirmed that the Coronavirus Regulations [post-meeting note: the Regulations are called the The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020] was enacted to allow hearings to take place but not to change the date of meetings.

The Chairman asked the objector, Mr Stringer to make his final submissions, who stated that he did not accept the comments made by the applicant, which did not do enough to bridge the gap in terms of managing the potential number of attendees. He did not believe there would be enough SIA Security Staff available, particularly on a Saturday night in Guildford should the festival be over-attended. He believed that a better contingency plan was needed. He suggested that conditions should be added so to prevent the potential for crime and disorder. He also could not understand why a licence was required for 365 days of the year when it was for a two-day event.

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The applicant confirmed that he used a contact who could obtain SIA Staff at short notice. In his experience, midday through to closing were the key busy periods, and they would have SIA Staff in position which would be staggered accordingly. Having listened to Mr Stringer, he agreed that SIA staff would initially be allocated for 3000 people and if less people attended, the security staff would be sent home, rather than adding staff as required.

Having considered the submissions made by the applicant and objector, the Sub-Committee:

RESOLVED to grant the Premises Licence for Shalford Park, Shalford Road, Guildford, GU1 3XL subject to the mandatory licensing conditions as well as the fifteen additional conditions which were consistent with the application and operating schedule, and a cap of 3000 people in total to attend the event at any one time.

The following proposed hours of operation for the licensable activities as detailed below applied:

Activities	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Sale of alcohol							
For consumption on and off the premises	0900 - 2200						
Performance of dance	0900 - 2200						
Live Music	0900 - 2200						
Recorded Music	0900 - 2200						
Films	0900 - 2200						
Times premises are open to public							
	0900 - 2200						

The following mandatory conditions applied:

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A: Sales of alcohol

1. No supply of alcohol may be made under the premises licence -
 - a. at a time when there is no designated premises supervisor in respect of the premises licence, or
 - b. at a time when the designated premises supervisor does not hold a personal licence, or the personal licence is suspended
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence

Mandatory Licensing Conditions (Alcohol Sales)

- 1.1 The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- 1.2 In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-
 - a. games or other activities which require or encourage, or are designed to require or encourage, individuals to-
 - i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - ii. drink as much alcohol as possible (whether within a time limit or otherwise);
 - b. provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - c. provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - d. selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - e. dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 3.1 The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- 3.2 The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

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- 3.3 The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-
- a. a holographic mark, or
 - b. an ultraviolet feature.
4. The responsible person must ensure that-
- a. where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
 - i. beer or cider: ½ pint;
 - ii. gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - iii still wine in a glass: 125 ml;
 - b. these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - c. where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

B: Permitted price for alcohol

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1-
 - a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - b) “permitted price” is the price found by applying the formula-
$$P = D + (D \times V)$$
where-
 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence-

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- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

C: Film exhibitions

- a) Subject to subsection (b) below, the admission of children to the exhibition of films on the premises shall be restricted in accordance with any recommendation made by the British Board of Film Classification (BBFC)
- b) If the licensing authority does not agree with the category of any film as recommended by the BBFC, it may alter the category of the film. On notice of alteration of category being given by the licensing authority to the holder of the licence, the film shall thereafter be treated as being in the altered category and admission of children to the exhibition of the film shall be restricted accordingly

D: Door supervision

Where at specified times one or more individuals must be at the premises to carry out a security activity, all such individuals must be licensed by the ‘Security Industry Authority (SIA)

The following additional conditions would also be applied:

1. A noise management policy shall be in place, including a contact telephone number for local residents to report noise to a responsible person at the venue. This telephone shall be manned during all events. The licence holder shall ensure that procedures are in place for the removal of litter, deliveries and disposal of waste, to minimise public nuisance. These procedures shall be regularly reviewed.

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2. CIEH COP on Environmental Noise Control at concerts applies. 65dB, 15min LAeq MNL. Guidance to keep Octave band levels at 63 Hz to <80dB.
3. To have in place an Event Management Plan and coordinate with the Guildford Safety Advisory Group.
4. There shall be a full risk assessment for every event, which shall be made available on reasonable request of an authorised officer of a responsible authority.
5. A fire risk assessment shall be in place, which shall be made available on reasonable request of an authorised officer of a responsible authority.
6. A first aid risk assessment shall be in place, and an accredited first aid provider shall be employed where appropriate, which shall be made available on reasonable request of an authorised officer of a responsible authority.
7. To provide alternatives to glass drinking vessels.
8. Staff shall be well trained in all appropriate policies and procedures, including regular refresher training. A record of this training shall be kept and made available on request to an authorised officer of a responsible authority.
9. Staff contractors and hirers shall be required to read and sign the code of conduct, which shall be made available on reasonable request of an authorised officer of a responsible authority.
10. The licence holder shall ensure that good external lighting shall be installed.
11. The licence holder shall have effective security policies in place and employ SIA Security Staff at appropriate events.
12. There shall be a zero-tolerance policy to drugs and weapons.
13. The licence holder shall have an evacuation plan in place, and staff shall be made aware of the plan. Which shall be made available on reasonable request of an authorised officer of a responsible authority.
14. The licence holder shall have a documented child protection policy in place. Which shall be made available on reasonable request of an authorised officer of a responsible authority.
15. There will be a strict ID policy in place to prevent underage sales. Staff shall be trained in this policy, including regular refresher training. Challenge 25 policy will be in place.

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REASON FOR DECISION:

In reaching their decision to grant the application, the Sub-Committee considered both written and oral representations from the applicant and objectors.

The Sub-Committee was mindful of the fact that a current premise licence, GUPLA0635 was held by Guildford Borough Council which allowed licensable activities 7 days a week between 0800 hrs and 0000 hours (Midnight) but did not include the sale of alcohol at Shalford Park. The Sub-Committee was also mindful of the concern the application had caused to local residents in terms of the potential for public nuisance, noise and general disturbance and was sympathetic to the issues raised. The Sub-Committee agreed that both the mandatory and additional fifteen conditions proposed, provided reassurance that the festival would be run well with appropriate security measures in place which was supported by an Event Management Plan. The cap placed upon the total number of attendees at 3000 people would limit the degree of disturbance experienced by local residents and the relevant number of SIA Security Staff would be in place as required.

The Sub-Committee accepted the applicant's statement that they were not intending to utilise the full range of hours as applied for, but that it provided a contingency plan should they not be able to run the event on a Saturday to Sunday but rather would have the option to re-schedule to a Sunday to Monday event. The main attendees of the festival would be families with their children who would require a safe environment. The Sub-Committee was satisfied that should a public nuisance be caused that was directly associated with the festival, a review of the licence could be called for.

Signature of Chairman:

Dated: