

GUILDFORD BOROUGH COUNCIL

LICENSING ACT 2003 RECORD OF HEARING AND DECISION TAKEN BY THE LICENSING SUB-COMMITTEE	
DATE OF HEARING	Thursday, 25 May 2017 adjourned and re-convened 13 June 2017
SUB-COMMITTEE MEMBERS PRESENT:	Councillor David Elms Councillor Mike Hurdle Councillor Mike Parsons
OFFICERS PRESENT:	Mark Adams (Licensing Officer) Sophie Butcher (Committee Officer) Annette Metcalfe (Committee Officer) (observing) Bridget Peplow (Senior Lawyer Litigation)
DISCLOSURES OF INTEREST BY MEMBERS PRESENT:	None
PREMISES:	Field behind Towerhill, Gomshall TQ 08381 473451
TYPE OF APPLICATION:	Submission of a Temporary Event Notice (TEN).
DETAILS OF APPLICATION SOUGHT:	The premises user had given notice of the following licensable activities: The provision of regulated entertainment On Saturday 12 August 2017 from 1300 hrs to 2330 hrs
PROPOSED PREMISES USER:	Ms Madeleine Askey (Applicant) (in attendance 25 May 2017 only) Mr Rob Arrow (Event Organiser)
FOR ENVIRONMENTAL HEALTH:	Mr Ian Croll (Environmental Health Officer)
FOR SURREY POLICE:	Mr Colin Whitear (Surrey Police Licensing Officer)
IN ATTENDANCE:	Councillor David Quelch (observing) (in attendance 25 May 2017 only)

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	Mr Giulio Riccelli Business Support Officer (observing) (in attendance 25 May 2017 only)
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DETAILS OF DECISION TAKEN

In arriving at its decision, the Sub-Committee took into account the relevant representations submitted both in writing and orally at the hearing.

The Sub-Committee was also made aware that the following were relevant:

Guildford Borough Council's Statement of Licensing Policy

- Section 4 – Paragraphs 4.1 to 4.12: Fundamental Principles
- Section 10 – Paragraphs 10.1 to 10.7: Temporary Event Notices
- Section 12 – The Licensing Objectives

National Guidance Issued on 6 April 2017 by the Secretary of State under Section 182 of the Licensing Act 2003:

- Paragraphs 2.01 to 2.06 – Crime and Disorder
- Paragraphs 2.07 to 2.14 – Public Safety
- Paragraphs 2.15 to 2.21 – Public Nuisance
- Paragraphs 7.1 to 7.40 – Temporary Event Notices

On 25 May 2017, the Sub-Committee received a report from the Licensing Officer and noted that a Temporary Event Notice (TEN) had been received on 16 May 2017 from Ms Madeleine Askey. The notification was submitted within the correct periods and had been accepted as a valid notice. The event was scheduled to take place on Saturday 12 August 2017 from 13:00 to 23:30 in a field behind Towerhill, Gomshall. The licensable activity applied for was the provision of regulated entertainment. The proposed event was a day of music, with ticket holders bringing their own refreshment.

On 17 May 2017, Surrey Police and Environmental Health served notices of objection in relation to the TEN. Surrey Police objected on the basis of crime and disorder, and public safety due to the lack of information from the applicant as to how the event would be managed. Environmental Health objected on the basis of public nuisance. .

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The Sub-Committee noted that TENS allow licensable activities to be carried out without the need for a premises licence. Where a premises licence is in force, events carried on under the authority of a temporary event notice are not subject to the conditions on the premises licence unless the Sub-Committee imposed those conditions.

Mr Colin Whitear, Surrey Police Licensing Officer explained the concerns the police had in relation to the event:

- It was unclear how people would access the event and where they would park.
- Could emergency vehicles access the site?
- How would attendees bringing alcohol be effectively managed?
- How would members of the public be safely evacuated from the site if required?
- How would ticket sales be controlled?
- He recommended that a management plan be produced and a risk assessment be undertaken and that these documents should be assessed by the Safety Advisory Group.

Mr Ian Croll, Environmental Health Officer explained the concerns the Environmental Health team had in relation to the event:

- He was concerned about noise control in relation to the type of music being played and the times at which it was being played.
- He was concerned about the close proximity of the music event to residential properties to the north, south and west.
- He recommended that the event should be assessed by the Safety Advisory Group.

The Sub-Committee noted the following points made by both the applicant Ms Maddy Askey and the event co-organiser Mr Rob Arrow:

- They had started a risk assessment that was available for review by Environmental Health and Surrey Police.
- They explained that the event was planned to raise funds for their local School in Shere. Currently, classes only had 15 pupils when it should be 30 pupils and there was a fear that the school would be closed down due to lack of funding.
- Mr Arrow had run a similar event for his 40th birthday last year at which approx. 300 people attended.
- Gomshall Fire Brigade had confirmed they could access the field. Their vehicles were 2.75 metres wide and the access to the field was 3 metres wide. A fire assembly point would be located at the bottom of the field. In addition, a number of 20 litre tubs of sand would be placed throughout the site as a fire precaution.
- People attending the event by car would park in a pre-allocated area on the farm. However, it was anticipated that many of the attendees would walk directly to the event, as the invitees were all local and lived in nearby residential roads.
- A total of 300 tickets would be made available. Adult tickets cost £10.00 and children's tickets cost £5.00. A total of £1400 was anticipated to be raised by the event and all proceeds would be given to Shere School.
- The majority of the attendees had children and events such as face painting and bouncy castles were planned. It was therefore not their intention to hold a rave in a field. The music consisted of five bands, folk, rock, a covers band, an acoustic duo and two electric bands.

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- Parents attending the event would control alcohol consumption.
- The stage was located facing the fields on a gradient, and neighbouring houses were not visible from this vantage point.

In response to questions asked by the Sub-Committee, Ms Askey and Mr Arrow clarified the following points:

- Four toilets would be provided close to the main entrance.
- A litter pick would be carried out on Sunday 13 August 2017.
- Music would be turned down if noise complaints were received. Mr Arrow explained that the music would only be played until 10pm and as only 300 people would be attending the music would not have to be projected loudly. Mr Arrow received no complaints last year at his 40th birthday party with a similar band set-up.
- In relation to how to police non-ticket holders, Mr Arrow stated that last year, nobody turned up that had not previously been invited. It was a small community and if a person arrived without a ticket, they would be denied entry.
- The installation of a perimeter fence to control entry to the site was expensive as was recruiting security staff. The costs would exceed the monies raised, which were intended to be given to the school and would negate the purpose of the event.
- Mr Arrow referred the Sub-Committee to Albury Free Festival, which apparently had no security fences, sold alcohol and attracted up to 2000 attendees.

Mr Colin Whitear, Surrey Police Licensing Officer acknowledged that whilst the applicants were in the process of undertaking a risk assessment, it was clear that further work needed to be undertaken to ensure that the event was run safely. For example, whilst entry would be controlled by selling tickets, there were a number of other access points into the field. Ms Askey confirmed that two of the entrance points could be blocked off but that would only leave one access point for emergency vehicles.

Mr Ian Croll, Environmental Health Officer stated that whilst he felt more assured about the type of event planned, more work was required to ensure and the prevention of public nuisance.

The Sub-Committee agreed that more information needed to be provided and that the hearing would be adjourned to Tuesday 13 June 2017 at 11:30am. The applicant and event co-organiser were advised that this would give them the opportunity to work with Surrey Police and Environmental Health to ensure that the event would not undermine the licensing objectives of prevention of public nuisance, prevention of crime and disorder and public safety. It would also provide time to risk assess the event fully and put in place measures to successfully manage the potential for any incidents.

On 13 June 2017, the Sub-Committee reconvened and received a verbal update from the Licensing Officer that talks had taken place between the event organiser, Surrey Police and Environmental Health.

Mr Colin Whitear, Surrey Police Licensing Officer reported that he had attended a joint site visit with Mr Ian Croll, Environmental Health Officer. The event organiser had agreed to work with an SIA registered company to provide appropriate security measures and assist with the control of

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ticket sales and access on the day. An emergency access route off site had also been identified. On that basis, Surrey Police was happy that the event could take place.

Mr Ian Croll, Environmental Health Officer reported that his concerns regarding noise and proximity of residential properties to the event had been mitigated by the risk assessment procedures being employed. A maximum of 300 tickets were available for the event and six tickets had so far been sold. The application had specified a finishing time of 23:30 however, it had been agreed with the applicant, that the music should finish at 22:30 with a view to completely closing the event by 23:00. On that basis, Environmental Health was happy that the event could take place.

RESOLVED: That it was not appropriate to issue a counter notice and therefore the event could go ahead.

REASON FOR DECISION:

The Licensing Sub Committee considered both written and oral representations from Surrey Police and Environmental Health and oral representations from the applicant and event co-organiser.

The Sub-Committee took into account the risk assessment work undertaken by the applicant and event co-organiser in liaison with Surrey Police and Environmental Health. The recommended additional security measures, such as employing an SIA registered company to assist with the control of ticket sales would ensure that the licensing objectives of prevention of public nuisance, prevention of crime and disorder and public safety would not be undermined. The concerns raised by Environmental Health about noise would also be successfully mitigated by the agreement that the music would stop at the reasonable hour of 22:30 hrs and the event would finish by 23:00 hrs. In addition, a large number of the attendees were local residents who would be enjoying the music. Both Surrey Police and Environmental Health would continue to work with the applicant and event co-organiser to ensure that all licensing objectives were achieved. In the light of the concessions by Surrey Police and Environmental Health that the event could go ahead, the Sub-Committee therefore did not consider it appropriate to give a counter notice. Whilst the Sub-Committee could not amend the times on the Temporary Event Notice and could not impose conditions, they accepted the applicant's assurance that the requirements of Surrey Police and Environmental Health would be complied with.

Signature of Chairman:

Dated:

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