

## LICENSING SUB-COMMITTEE

Wednesday 1 April 2020

<b>Application. Type:</b>	Application for the Grant of a Premises Licence	
<b>Ward:</b>	Shalford Ward	<b>Ward Councillors:</b> Cllr Chris Blow Cllr Ramsey Nagaty
<b>Applicant:</b>	Market Square Group, Leys House, Elton Road, Sibson, PE8 6JZ	
<b>Premises:</b>	Shalford Park, Shalford Road, Guildford, GU1 3XL	

### 1. SITE LOCATION

- 1.1 The premises location is a large public park, controlled by Guildford Borough Council. It is situated in a mixed residential area and park area of Guildford. A site location map is attached as **Appendix 1**.

### 2. LICENCE HISTORY

- 2.1 A current premise licence, GUPLA0635 is held by Guildford Borough Council which allows licensable activities 7 days a week between 0800 hrs and 0000 hrs (Midnight). This does not include the sale of alcohol.
- 2.2 There have been regular events including music festival/events at this location, since the granting of the existing licence.
- 2.3 Other event organisers have applied for and been granted licences for events at this location. For example, Picnic Festival in 2009, the licence for which has expired, and Falcon Events in 2015, who have surrendered their licence.

### 3. APPLICATION

The application form, a copy of which is attached as **Appendix 2**, gives the following information in relation to the application.

- 3.1 Proposed hours and licensable activities:

The application is for a Premises Licence, initially to hold a festival on 6/7 June 2020.

The application has been made in anticipation of possible future events, should the festival in June prove successful. It should be noted that any licence granted may only be used subject to further permission being granted by Guildford Borough Council, as the landowner the authority hires out the venue and can impose controls on any activity that takes place. Should the landowner be unhappy with the plans proposed or there are significant issues identified then the hire agreement may be withdrawn.

**Licensable activities:**

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

**Proposed hours:**

The table below shows the proposed licensable activities and hours

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

**3.2 Premises Capacity**

Attendance is limited to 5,000. The maximum will be 3000 for Saturday and 2000 for Sunday. Entry is to be controlled by ticket sales.

**3.3 Conditions**

Licensing Act 2003 provides that the Sub-Committee must grant the application subject to the mandatory conditions and such conditions as are consistent with the operating schedule. Any additional or altered conditions must be appropriate for the promotion of the licensing objectives, proportionate and should address the matters raised in the representations.

## **MANDATORY CONDITIONS**

### **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.
- 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-

- (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)

### **Additional conditions consistent with the application and operating schedule which could be considered by the sub-committee**

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.
2. Licensed for amplified public entertainment between 10:00 – 22:00. 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.

#### **4. CONSULTATIONS**

##### **4.1 Consultation period**

The application was submitted on 5 February 2020, was in consultation from 6 February 2020 to 4 March 2020. The application was advertised in accordance with the regulations.

##### **4.2 Representations from Responsible Authorities**

- No representations have been received from the responsible authorities.
- The Guildford Safety Advisory Group held a meeting with the organisers to review the plans for the event. The minutes of the meeting are attached as **Appendix 3**.

#### 4.3 **Representations from other persons**

Seven representations have been received from residents close to the park. The representations list several concerns, which are not relevant to the Licensing Act, but they have raised concern in relation to noise and general disturbance and therefore, on the grounds of prevention of public nuisance have been accepted as valid and are attached as **Appendix 4**.

#### 5. **LICENSING POLICY**

The following sections of the Council's Licensing Policy are relevant:

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

#### 6. **NATIONAL GUIDANCE**

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

#### 7. **CONCLUSION:**

1. The Sub-Committee must consider the application for the grant of a premises licence on its merits.
2. Subject to paragraph (3) below, Section 18(2) of the Licensing Act 2003 provides that the Sub-Committee must grant the application subject to the mandatory conditions and such conditions as are consistent with the operating schedule.
3. Having regard to the relevant representations received, the Sub-Committee must take such steps (if any) as it considers appropriate for the promotion of the licensing objectives.

The steps are:

- To impose modified or additional conditions on the licence. Any additional or altered conditions must be appropriate for the promotion of the licensing objectives, proportionate and should address the matters raised in the representations.

- To exclude any of the licensable activities from the scope of the licence.
- To refuse to specify a person as the premise's supervisor.
- To reject the application.

Originator:

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