

LICENSING SUB-COMMITTEE

1 APRIL 2022

Application Type:	Application for a Premises Licence	
Ward:	Worplesdon	Ward Councillors: Cllr Ruth Brothwell Cllr Ann McShee Cllr Bob McShee
Applicant:	ShyneFest Ltd	
Premises:	Merrist Wood Events Holly Lane Guildford GU3 3PE	
Proposal:	<p>To hold a live music festival in the main field and to sell alcohol to be consumed on the premises. The site will include camping area and a variety of activities inc. food outlets in addition to the main stage. In the first year that this premises licence has effect, the licence holder shall only be authorised to provide licensable activities on dates given in June 2022.</p> <p>In subsequent years, the licence holder shall give written notification to the licensing authority at least six calendar months before the first day on which the licensable activities will be provided in that year (which will be on the second weekend of the May/June half term holidays). The written notification shall give the date on which the licence holder intends to provide the licensable activities authorised by this premises licence, and the date shall not exceed two calendar days.</p>	

1. SITE LOCATION

1.1 The site of the event is situated within the grounds of Merrist Wood College, Guildford.

Site location maps are attached as **Annexe 1**.

1.2 There is an existing licence, for the site, GUPLA0375, held by Guildford College since 2006. This licence allows a wide range of licenced activities, 7 days a week with extended until 0200hrs at the weekends, a copy of the licence and conditions are attached for reference as **Annexe 2**.

2. APPLICATION

2.1 This is a new application which does not replace the existing licence held by the collage. The applicant has permission from the collage to run an event at the site for two days per annum.

2.2 The application form, a copy of which is attached as **Annexe 3**, gives the following information in relation to the proposed hours:

Licensable activities:

- The sale of alcohol
- Live Music
- Recorded Music
- Dance
- Late Night Refreshment

Proposed hours:

The table below shows the proposed licensable activities and hours

Activities	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Sale of alcohol							
For consumption on the premises					17:00 - 23:59	00:00 - 01:00 and then 11:00 - 23:59	00:00 - 01:00
Live Music					17:00 - 23:00	11:00 - 23:00	
Recorded Music					17:00 - 23:00	11:00 - 23:00	
Performance of Dance					17:00 - 23:00	11:00 - 23:00	
Late Night Refreshment					23:00 - 23:59	00:00 - 01:00 and then 23:00 - 23:59	00:00 - 01:00
Times premises are open to public regarding licenced activity							
					16:00- 23:59	00:00 - 01:00 and then 10:00 - 23:59	00:00 - 01:00

2.3 Supporting Documentation

The attached documents, give the information in relation to the proposed application, this includes Risk assessments and Event management plan attached as **Annexe 4**.

2.3 Mandatory and additional Conditions

The following conditions are mandatory on all licences:

Mandatory condition - 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 condition - Age verification policy

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.

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. 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.

Mandatory condition - Irresponsible promotions

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.
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).

Mandatory condition - Free potable water

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

Mandatory condition - Smaller measures

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.”

Mandatory condition - 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.

Mandatory condition - 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

Additional conditions will be attached to the licence inline with the operating schedule supplied by the applicant and the Event Safety Management Plan.

Having regard to the relevant representations received, the Sub-Committee may apply additional or altered conditions but must be appropriate for the promotion of the licensing objectives, proportionate and should address the matters raised in the representations.

3. CONSULTATION

The application was in consultation from 10th February 2022 until 10th March 2022. The application was advertised in accordance with regulations.

Responsible Authorities.

There have been no representations/objections received from the Responsible Authorities. The event has been considered/reviewed at the Guildford Safety Advisor Group.

Representations from other persons

16 objections have been received, on the grounds of Public Nuisance, Public Safety and possible Crime and Disorder.

Objection list a number of concerns regarding the operation of the site and suggests that there will be an increased level of nuisance to residents the possible increase in crime.

Several the points raised in the objections are not relevant under the Licensing Act and should not be considered in determining the application.

The representations are attached as **Annexe 5**.

4. LICENSING POLICY

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

Section 4: (Fundamental Principles)

Section 11: 11.1 – 11.9 (Licensing Hours)

Section 12: 12.1.1 – 12.1.14 (Prevention of Crime and Disorder)

Section 12: 12.2.1 – 12.2.5 (Public Safety)

Section 12: 12.3.1 – 12.3.6 (Public Nuisance)

Section 13: 13.1 – 13.7 (Large Scale Events)

5. NATIONAL GUIDANCE

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

Paragraphs 2.1 – 2.26 – Crime and Disorder

Paragraphs 2.7 – 2.9 – Public Safety

Paragraphs 2.15 – 2.21 – Public Nuisance.

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.

6. **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 premises supervisor.
- To reject the application.

Originator:

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