

# **Report to Licensing Sub Committee**

Date of meeting – Monday 04<sup>th</sup> April 2016

By Chris Boyle, Licensing Officer

**DECISION REQUIRED**



**Horsham  
District  
Council**

Not Exempt

## **Application for the Grant of a New Premises Licence under section 34 of the Licensing Act 2003.**

### **Executive Summary**

On the 10<sup>th</sup> February the applicant, Fire & Ice Productions submitted a new premises licence application in respect of the event to be called The Big Kahuna, Holmbush Farm, Crawley Road, Faygate, West Sussex, RH12 4SE.

The applicant has applied for the event to take place on the 26<sup>th</sup> 27<sup>th</sup> and 28<sup>th</sup> August 2016 and every August Bank Holiday thereafter with a daily capacity of up to 9999

The application seeks to allow the following licensable activities:

1. Premises open to the public
2. Sale and supply of alcohol by retail for consumption on the premises only
3. Late night refreshment
4. Performance of plays
5. Films
6. Live music
7. Recorded music
8. Performance of dance

### **Recommendations**

The Sub- Committee is recommended:

- i) To determine the application for the grant of a new premises licence

### **Reasons for Recommendations**

- i) The Sub-Committee is required to make a decision under the Licensing Act 2003

### **Background Papers**

1. Premises Application
2. Event Management Plan
3. Updated site plan

4. Representation from Environmental Health and Licensing
5. Representation from Sussex Police
6. Representation from Public Health
7. Crawley Borough Council
8. Representation from Colgate Parish Council
9. Representations from members of the public and various public groups.

**Wards affected:**

Colgate & Rusper

**Contact:**

Chris Boyle, Licensing Officer, extension 5578

## **Background Information**

### **1 Introduction and Background**

- 1.1 For the Sub-Committee to determine the application for a grant of a new premises licence
- 1.2 At present Holmbush Farm does not benefit from a premises licence and on the 03<sup>rd</sup> February 2016, Fire & Ice Productions, submitted a premises licence application for the property known as Holmbush Farm, Crawley Road, Faygate, West Sussex, RH12 4SE to cover the forest area and the fields adjacent to the A264 Crawley Road but this application was returned as invalid due to the applicant failing to display the correct blue A4 Notices with details of the application and how members of the public can either view the application and /or submit representation as required by the Licensing Act 2003

Fire & Ice Productions then submitted a second premises licence application on the 10<sup>th</sup> February 2016, for the event known as The Big Kahuna and complied with all requirements as set out in the Licensing Act 2003

Fire & Ice are seeking the following licensable activities to be attached to the premises licence:

#### **Premises open to the public**

Friday 06:00hrs until 03:00hrs

Saturday & Sunday 09:00hrs until 04:00hrs

*\*Please note the above times only apply to holders of day tickets and guests that have applied and paid for weekend camping will remain on site for the duration of the event.*

#### **Sale and supply of alcohol by retail for consumption on the premises only**

Friday 11:00hrs until 03:00hrs

Saturday & Sunday 11:00hrs until 04:00hrs

#### **Late night refreshment**

Friday 23:00hrs until 03:00hrs

Saturday & Sunday 23:00hrs until 04:00hrs

#### **Performance of plays**

Friday 12:00hrs until 18:00hrs

Saturday & Sunday 11:00hrs until 18:00hrs

#### **Films**

Friday 12:00hrs until 22:00hrs

Saturday & Sunday 10:00hrs until 22:00hrs

#### **Live music**

Friday 14:00hrs until 03:00hrs

Saturday & Sunday 12:00hrs until 04:00hrs

**Recorded music**

Friday 14:00hrs until 03:00hrs

Saturday & Sunday 12:00hrs until 04:00hrs

**Performance of dance**

Friday, Saturday & Sunday 10:00hrs until 02:00hrs

## **2 Relevant Council policy**

- 2.1 Statement of Licensing Policy dated January 2014

## **3 Details**

- 3.1 Holmbush Farm is a private family owned estate and at present consists of a children's play area, a business park, private dwellings and a working farm all located within the forest area and open fields.

The estate is mainly made up of a forest and within this area the main stage and other attractions that make up the festival will be located.

The open fields that are located directly beside the A264 dual carriageway are where the car parking and camping areas intend to be located.

The applicant is advising ticket holders that there are only two ways to get to Holmbush Farm and they are either by your own vehicle or use the shuttle buses that will be running from Crawley, Gatwick and Horsham train stations.

## **4 Next Steps**

- 4.1 The Licensing Sub-Committee is obliged to determine this application with a view to promoting the licensing objectives.
- 4.2 In making its decision, the Sub-Committee is also required to have regard to Guidance issued under the Section 182 Licensing Act 2003 (as amended) and the Council's own Licensing Policy
- 4.3 The Sub-Committee must take one of the following steps as it considers necessary for the promotion of the Licensing Objectives:
- To permit the grant of the application
  - To reject the grant of the application in whole or in part
  - To modify the conditions of the licence as they relate to the application
  - To exclude a licensable activity from the licence
- 4.4 The Sub Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be appropriate in order to promote the four licensing objectives.

## **5 Outcome of Consultations**

- 5.1 The application was advertised in the local newspaper covering the area. Blue A4 Notices were also displayed on site and the application was advertised on Horsham District Council's website in accordance with the Statutory Requirements under the Licensing Act 2003.

5.2 A copy of the application was served on all statutory Consultees in accordance with the provisions contained within the Licensing Act 2003 and its associated regulations.

5.3 **Responsible Authority Representation.**

5.4 **Local Licensing Authority – Environmental Health and Licensing (Appendix 2)**

On the 10<sup>th</sup> March, the Area Environmental Health Officer with Horsham District Council, submitted an objection to the grant of the application on the grounds of the following licensing objective, Prevention of Public Nuisance in that if the application was to be granted would “give rise to complaint from noise and accordingly I object to the event on grounds of noise.”

The Area Environmental Health Officer has, during the consultation period been negotiating with the applicant and failed to address his concerns regarding noise issues.

5.5 **Sussex Police – Neighbour Licensing Team (Appendix 3)**

On the 03<sup>rd</sup> March 2016, A/Chief Inspector Rolls submitted an objection on behalf of Sussex Police to the grant of the premises licence in that the applicant has failed to address the four licensing objectives in the Event Management Plan that was submitted with the application. During the consultation period Sussex Police have been in consultation with the applicant and have failed to come to a satisfactory outcome regarding the proposed times and operating conditions.

5.6 **West Sussex Fire & Rescue Service – No Objection**

5.7 **Public Health (Appendix 4)**

On the 10<sup>th</sup> March 2016, Dr Kate Bailey submitted an objection to the grant of the application in that the applicant has failed to address the four licensing objectives and has put forward a number of operating conditions that they deem necessary should the Licensing Sub-Committee grant the premises licence.

5.8 **Health & Safety Executive – No Representation**

5.9 **Trading Standards – No Representation**

5.10 **Local Planning Authority – No Representation**

5.11 **Public Representation**

5.12 **Colgate Parish Council (Appendix 5)**

On the 03<sup>rd</sup> March 2016 the Colgate Parish Clerk on behalf of Colgate Parish submitted an objection to the grant of the application in that the application had failed to address the four licensing objectives.

### **5.13 Representations from members of the Public (Appendix 6)**

During the twenty eight (28) day consultation period a total of one hundred and thirty six (136) relevant representations against the grant of the application were received by Horsham Districts Councils Licensing Department that the application had failed to address the four licensing objectives.

## **6 Other Courses of Action Considered but Rejected**

6.1 None

## **7 Financial Consequences**

7.1 None

## **8 Legal Consequences**

8.1 The Council has a duty to determine the application under the Licensing Act 2003

## **9 Staffing Consequences**

9.1 None

## **10 Risk Assessment**

10.1 This application does not relate to any of the specific risks on the Corporate Risk Register.

## Appendix 1

### Consequences of the Proposed Action

How will the proposal help to reduce Crime and Disorder?	The Sub-Committee are to determine the application under the four licensing objectives. The prevention of crime and disorder is one of the licensing objectives.
How will the proposal help to promote Human Rights?	The operation of the Licensing Sub-Committee is a quasi-judicial function and as such particular regard is to be had to Article 6 'the right to a fair trial'.
What is the impact of the proposal on Equality and Diversity?	There are no specific equality issues.
How will the proposal help to promote Sustainability?	There are no specific sustainability issues.

