

## Report to Licensing Sub Committee

Monday 19 June 2023

By the Chris Boyle, Licensing Officer

**DECISION REQUIRED REPORT**



**Horsham  
District  
Council**

Not Exempt

### **Application for the Grant of a Premises Licence under Section 34 of the Licensing Act 2003**

#### **Executive Summary**

On the 06 April 2023 an application was submitted by Knight Training Limited on behalf of Harry W. A. Slade seeking a new premises licence located at Ashfolds, Horsham Road, Rusper, West Sussex, RH12 4QX for a music festival to be known as Eveywhre Festival 2023

The application seeks to allow the following licensable activities

Sale of Alcohol by Retail (On Sales) Friday: 16:00 – 00:00, Saturday: 00:00 – 02:00 and 12:00 – 00:00, Sunday: 00:00 – 02:00

Late Night Refreshments Friday: 23:00 – 00:00, Saturday: 00:00 – 02:00 and 23:00 – 00:00, Sunday: 00:00 – 02:00

Live Music and Recorded Music Friday: 16:00 – 00:00, Saturday: 00:00 – 02:00 and 12:00 – 00:00, Sunday: 00:00 – 02:00

Premises open to the public: Friday 16:00 – Closes Sunday 12:00

#### **Recommendations**

The Sub- Committee is recommended:

To determine the application for the grant of a new premises licence.

#### **Reasons for Recommendations**

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

## **Background Papers**

1. Premises Application
2. Plans
3. Event Management Plan (V2)
4. Representation from Sussex Police
5. Representation from Environmental Health
6. Representation from West Sussex Fire & Rescue Service
7. Representation from members of the public

**Wards affected:** Colgate and Rusper

**Contact:** Chris Boyle, Licensing Officer. Extension 5578

## **Background Information**

### **1 Introduction and Background**

- 1.1 For the Licensing Sub-Committee to determine the application for the grant of a new premises
- 1.2 At present Ashfolds, Horsham Road, Rusper, Horsham, RH12 4QX does not benefit from a premises licence and they are seeking to allow the following licensable activities
  - Sale of Alcohol by Retail (On Sales) Friday: 16:00 –02:00 and 12:00 –02:00
  - Late Night Refreshments Friday: 23:00 – 00:00, Saturday: 00:00 – 02:00 and 23:00 – 00:00, Sunday: 00:00 – 02:00
  - Live Music and Recorded Music Friday 1600 to 0000, Saturday 0000 to 0200 and 1200 to 0000 and Sunday 0000 to 0200
  - Premises open to the public: Friday 16:00 – Closes Sunday 12:00

### **2 Relevant Council policy**

- 2.1 Statement of Alcohol Licensing Policy dated December 20018

### **3 Details**

An open-air festival, set in rural private grounds with the main arena/licensed area set in 3.6 acre approx. It is proposed that the main arena will have an 8m stage sited at its northern perimeter to facilitate entertainment in the form of DJs/equipment playing House and Disco music. Adjacent to the main arena would be 2 car parking areas 1 acre approx., enabling parking for 250 vehicles. Bordering the southern aspect of the main arena would be a campsite area approx. 2.3 acre for the use of festival patrons over the proposed 3-day period of the festival.

Vehicle entry and exit from the site would be from Horsham Road through 2 security manned gateways to a controlled drop off point and car parks.

There will be 3 food trucks sited in the main arena and the festival will be age restricted to 21years of age and over

### **4 Next Steps**

- 4.1 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 be appropriate in order to promote the four licensing objectives

## 5 Outcome of Consultations

- 5.1 The application was advertised in a local newspaper on the 20 April 2023, the local newspaper has adequate coverage of the area the premises is located. Blue A4 Notices as required by the Licensing Act 2003 were displayed on site for public viewing and a redacted copy of the application was available for public viewing on the council's website
- 5.2 On the 06 April 2023 a copy of the application was served on all statutory consultees in accordance with the provisions contained within the Licensing Act 2003 and associated regulations.
- 5.3 Local Licensing Authority – Environmental Health and Licensing – a number of amendments agreed between the applicant and the Environmental Health Officer, details are as follows
1. Noise Management Plan to be submitted at least 1 month prior to event and to be at the satisfaction of EHO.
  2. Complaint phone number to be advertised and passed to all relevant bodies. Phone line to be manned at all times. If complaints received then steps must be taken to address the complaints.
  3. Music to stop at 24:00 hrs Friday and Saturday nights. A silent disco can follow but have regard to type of songs so as not encourage whole audience participation.
  4. Noise levels set in code of practice to be used to as a guide only due to expected low background levels. ie: a maximum of 65dB(A) 15min leq, 1m from the façade of any noise sensitive premises, until 23:00 hrs. From 23:00hrs – 09:00hrs music noise should not be audible within noise-sensitive premises with windows open in a typical manner for ventilation. This can equate to music noise just audible outside noise sensitive premises.
  5. Unreasonable disturbance may occur from low frequency noise. Methods to address low frequency noise to be incorporated in Noise Management Plan. A level of 70dB in either of the 63Hz or 125Hz octave frequency band is usually satisfactory.
  6. Monitoring at perimeter of venue to be undertaken throughout event and outside noise sensitive premises where noise from music should be barely audible.
- 5.4 Sussex Police Licensing Department – Representation and final agreement from the applicant dated the 23 May 2023
- Sale and supply of alcohol to cease at 00:00hrs on Friday and Saturday
  - A final ESMP (Event Safety Management Plan) including:
  - Specific numbers for SIA registered door staff and stewards, their timings and duties. The ESMP will clearly distinguish between SIA registered door staff and stewards.

- A COVID risk assessment (in line with Government guidelines at the time),
- Plans to manage and control patrons queuing outside the event,
- Safeguarding policies in place for all genders, and vulnerable people.
- Transport Management Plan.
- Emergency Plan.
- Bar Management Plan – to include numbers of staff and supervision levels, Location Plan.
- If attendees are permitted to camp on site overnight between the event dates, how security and safety in relation to the camp site will be organised and monitored.
- Will be presented to all the responsible authorities at least four weeks before the proposed event: Each SAG member will then make written representations to the licensing authority in response to the final ESMP within two weeks. The final decision to permit the event to proceed will be made by the licensing authority, having taken account of any representations by any of the named SAG group members on the licence.
- The Premises Licence Holder must comply with the Final Event Management plan submitted to and approved by the Licensing Authority (in consultation with SAG members) and no changes will be made to it without prior written consent of the Licensing Authority. The ESMP will form part of the premises licence and the event will be run in accordance with the ESMP.
- A copy of the final agreed ESMP will be kept at the control marquee or control room for the event and will be made immediately available to officers of any responsible authority and or members of the SAG upon request.
- The DPS must be on site whilst alcohol is being sold. In the event that the DPS is unexpectedly unavailable a named person with written delegated authority from the DPS will be on site whilst alcohol is being sold.
- Alcohol will not be permitted to be brought onto the site by the public.
- There will be a zero-tolerance policy of illegal drugs use at the event. Any confiscated items will be put into a locked box, the description recorded and the entry signed. These items shall be handed over to the Sussex Police upon request during the event or at the end of the event. Staff will be trained in the understanding of this policy, training records maintained for inspection if required by the police or an authorised officer.
- All drinks will be dispensed into or decanted into plastic glasses or recyclable plastic cups. No glassware will be permitted in the public areas of the site.
- Event capacity will be monitored constantly by the means of 'clickers' or similar scanning device and the numbers recorded with security control on an hourly basis.
- Adequate rubbish bins provided and emptied regularly.

- Adequate temporary toilet facilities to be provided for the event.
- The Premises Licence Holder (PLH) shall provide a noise management plan, which will specify details of the steps the PLH will take to achieve the following conditions. The plan shall include the final layout of the site identifying potential noise sources and the noise monitoring positions. The plan shall include the complaint procedure and a designated contact number that will be used to take complaints during the event. This plan shall be agreed with the Council's Environmental Health Officer prior to the event commencing.
- No firework displays will be permitted at the event without the prior consent of the Licensing Authority
- With regard to the exposure of employees and audience to noise, the requirements of the Guide to Health and Safety and Welfare at Pop Concerts and similar events must be complied with.
- The entrance to the bar within the site will have a barrier, with the entrance controlled by an SIA registered door supervisor to maintain controlled numbers of persons at the bar. This is to prevent an overwhelming number of persons at the bar, reducing any stress to bar staff.
- All staff employed in the sale of alcohol will be fully trained regarding age-restricted sales and sales to persons who are drunk. All sales training undertaken by staff members shall be fully documented and recorded prior to being allowed to sell alcohol. All training records shall be made available to Officers from a Responsible Authority.
- A personal licence holder shall be employed to supervise each individual bar and that person or persons (if there are more than one bar) will be named in the ESMP.
- The bar supervisor or supervisors will not dual role and will not do other jobs as well, such as serving behind the bar.
- All staff must be made aware of proxy sales and be vigilant to adults purchasing and providing alcohol to persons who appear intoxicated.

5.5 West Sussex Fire and Rescue – No objection

5.6 Health and Safety Executive – No representation

5.7 Trading Standards – No representation

5.8 Local Planning Authority – No representation

5.9 Representation from members of the public  
 During the twenty-eight (28) day consultation period a total of fifteen (15) representations relating to the grant of the application were received by Horsham District Councils Licensing Department

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

6.1 None

## **7 Resource Consequences**

7.1 None.

## **8 Legal Considerations and Implications**

8.1 None

## **9 Risk Assessment**

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

### **Consequences of 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.