

**Minutes of a Meeting of the
Licensing Committee
11 November 2014**

Councillor Carson Albury (Chairman)
Councillor Peter Metcalfe (Vice-Chairman)

Councillor Ann Bridges	Councillor Lyn Phillips
Councillor Brian Coomber	Councillor David Lambourne
Councillor Emma Evans	*Councillor Ben Stride
Councillor Debbie Kennard	

* Absent

LC/14-15/14 Declarations of Interest

Councillor Emma Evans declared a personal interest in *LC/14-15/18 Licensing Act 2003 – Application for a new Premises Licence at: Shoreham Fort, Fort Haven, Shoreham-by-Sea, BN43 5HY* as a member of the friends of Shoreham Fort. She told the Committee she would put this personal interest aside and consider the matter based upon the evidence presented in the report and at the meeting.

LC/14-15/15 Confirmation of Minutes

Resolved: That minutes of the Licensing Committee on the 21 July 2014, and the Licensing Regulatory Sub-Committee that took place on 9 September 2014 be approved as the correct record and be signed by the Chairman

LC/14-15/16 Items Raised Under Urgency Provisions

There were no items.

LC/14-15/17 Questions and Statements by the Public

The Chairperson invited members of the public to ask questions or make statements about any matter for which the Council had a responsibility or which affected the District.

There were no questions or statements

Part B – Licensing Act 2003 Applications

**LC/14-15/18 Licensing Act 2003 – Application for a new Premises Licence at:
Shoreham Fort, Fort Haven, Shoreham-by-Sea, BN43 5HY**

Before the Committee was a report by the Executive Head of Housing, Health and Community Safety, copies of which had been circulated to all Members and a copy of which is attached to the signed copy of these Minutes as Item 5. The Committee was requested to consider and determine an application made by the Friends of Shoreham Fort for the grant of a new Premises Licence to authorise the provision of regulated entertainment. The application had been the subject of formal representation by a responsible authority and other persons. It therefore fell to the committee to determine.

Councillors and Officers introduced themselves.

The Licensing Officer introduced the report to the Committee, Members were told that a formal representation had been received from the police and several local residents. Members were told that as a result of mediation the police and the applicant had agreed upon an amendment to the conditions.

Sharon Penfold, Secretary of Friends of Shoreham Fort, made her representation to the Committee. Members were told:

- The fort had a desire to promote and engage in learning and wanted to become involved in outreach services to educate the local community and raise funds for the charity;
- The fort was an important part of regeneration of the District. Tourism was important and brought employment and revenue to the area;
- The purpose of the application was to save volunteer hours and reduce administrative costs incurred by the fort in applying for Temporary Event Notices;
- It was not the Fort's intention to hold stand-alone music events or to arrange music festivals;
- The fort did not want alcohol at its events and actively discouraged it. However it was a public area and the Fort could not prevent people from drinking.

Those who made representation were invited to ask questions of the applicant

Mr Davis, a local resident questioned the applicant and asked why it was necessary to play loud music at events that antagonised local residents he proffered that the events could be equally successful without music. The applicant replied that music added something different to events and helped them create a more upbeat family environment, comments has been made that music used at the recent memorial event had been nice and a good alternative to other sombre events. The PA system used was capable of 1.5Kwts (although it was not 'maxed out') which was comparable to the 20kwt system used in the Steyne in Worthing and the 6.2kwt system used by the beach dreams festival.

Mrs Palmer asked if the applicant wished to hold festival events and also how many big events they intended to hold each year. The applicant stated that they would not hold festival type events and would hold four to five bigger events each year. There were also some nationally planned centenary events over the next five years that the fort would wish to take part in. Mrs Palmer stated that she had felt misled by a leaflet put through her letterbox on the issue and withdrew her objection

Mr Bouchy, a local resident asked why the residents had not been made aware of the application by letter as they would have been in the case of a planning application. The applicant also asked whether the licensing application could prevent others from placing temporary event notices at the fort. The applicant stated that they had received advice from officers on the legal requirements for advertising the application which included placing an ad in the local paper and placing notices around the site. The Senior Licensing Officer informed members that there was nothing to prevent another organisation making an application for a temporary event notice at the fort.

Mrs Norman-Davis a local resident questioned the need to apply for a licence if there were plans for just four or five events a year given that the cost of applying for a temporary event notice was not a significant amount of money. The applicant stated that they

intended to show films to help educate some small groups coming to visit the fort if any of those films were not specifically classified as educational then a licence would have to be applied for. Answering a supplementary question the applicant related that it was not their intention to hold drive in movies at the fort as the area was not suitable.

During questioning by members of the public it had become apparent that a charity 'allstars' music event had been held on the beach.

Members were invited to question the applicant

A Member asked why the fort were asking for such a licence that finished at 22:00, and how did this fit in with plans to hold school visits. The applicant stated that some nationally organised events were late in the evening such as the lighting of the beacon for the jubilee or the recent 'light's out' campaign. The application covered the fort in case similar events were organised as part of First World War centenary events.

A Member asked where the fort intended to show films and would this be in a marquee or a Nissen hut on site. The applicant stated that to enhance the educational element it was thought that films could be shown in the Nissen hut which would accommodate about 30 people, the applicant had not previously considered showing films in a marquee.

Interested parties were invited to make their representations

Mr Davis made his representation. He proffered that the biggest problem with the application for local residents was the noise and that the experience of residents was that music from the events was too loud. There was nervousness that the application being sought was too wide ranging and gave the fort a great deal of flexibility. The residents sought a degree of protection, verbal assertions from the applicant were not enough and that as a compromise the residents sought licencing conditions to offer greater protection to make those promises binding.

Mrs Butler made a representation. Members were told that noise from events held at the fort meant that she had to close windows and doors because it was too loud. She also mentioned that the noise continued beyond the terminal hour when things were being closed down. Mrs Butler also mentioned parking and footfall on the local nature reserve but it was clarified that these were not licensing issues that could be considered by the Committee.

Mrs Stride made a representation and asked that the Committee consider limiting the number of events in a year including prohibition of events taking place on consecutive weekends. She asked that the Committee consider reducing the terminal hour of events. She emphasised that events organised had an impact on people immediately close to the fort.

Mr Bouchy made a representation and emphasised that the noise created by events was too loud. Comparisons with the beach dreams festival were unfair as the festival was only held once a year.

Mr Cook made a representation and asked what insurance there was for events held at the fort. The applicant clarified that the fort had public liability insurance

Those in support of the fort were invited to make their representations.

Councillor Liza McKinney made a representation as the Council's heritage champion. Cllr McKinney recounted her experience in restoring local heritage sites and informed members that it was difficult to raise enough funds to keep projects going. Grants for heritage projects would usually only be forthcoming if there was match funding. The applicants needed the licence in order to raise funds for the Heritage project.

Councillor Mckinney stated that before the applicant began restoring the fort the area was used by drug addicts, drunks and the homeless. Since the applicant had taken over, the area had become transformed as a place that children and families could access in safety.

Councillor McKinney stated that the times being asked for on the application were reasonable and the applicants would take on board the concerns of the local residents regarding noise.

A Member asked how the licence would be able to raise money for the fort. In response the Councillor was told that raffles, stalls, concessions and ticket sales would raise some money, however the events raised the profile of the fort and brought in monies through connected paying outreach work to schools and other groups in the local community.

The parties were invited to sum up.

The applicant reiterated that there were no plans to hold a large amount of events at the fort and that the applicants were conscious of sound levels and would seek to ensure that sound levels were kept to a minimum. The applicant stated that they would be happy to volunteer a condition prohibiting 'drive in' movies if the committee felt it necessary.

Mr Davis summed up on behalf of the objectors and stated that the issue of noise was fundamental and he asked Councillors to believe that the noise levels were extremely high.

Members were asked to ask any questions for clarification only.

A Councillor asked about the 'all-stars' concert held at the fort and was told that the fort had been asked to support a charity. No-one at the event was asked about the noise and if this had been done they would have amended the noise levels.

A Councillor asked if the applicant had received any complaints about the noise from local residents prior to the licensing application being submitted. The applicant stated that there had not been, if there had they would have made adjustments.

The meeting adjourned at 8.20pm so the Committee could retire to consider its decision

The meeting re-convened at 8.42pm

The meeting was told that in reaching its decision the Licensing Committee gave due regard to the current Home Office guidance, the Council's own Licensing Policy and the Statutory Licensing Legislation. The Committee also gave due regard to the Human Rights Act, the Equalities Act and the rules of natural justice.

Due consideration had also been given to all representations made at the hearing and those received in Writing and the mediated agreement reached with the Police.

The Committee considered all the issues raised particularly those in respect of the four licensing objectives which are the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

Resolved: that the licence be granted as requested, with amended conditions, appropriate to the promotion of the Licensing objectives.

The amended condition as agreed through mediation with Sussex Police is as follows:

- For all events held at the premises for which it is either known, or reasonably foreseeable, that the attendance on any given day of the event will exceed 2,000 people, Sussex Police are to be given at least three months prior notification and provided with copies of the Event Management Plan, the Traffic Management Plan and the Risk Assessment. The Risk Assessment will identify the need, and numbers required, for the use of Door Supervisors at the particular event.

Reasons for decision: The Committee considered that the application and amended conditions were reasonable and met the licensing objectives

Additional observations by Members: none

The meeting was told that those who had made representations in connection with this application were reminded that they may appeal the decision within 21 days by giving Notice of Appeal to the Magistrates Court; Any person or responsible authority were reminded that they may apply for a review of the licence after a reasonable interval pursuant to section 51 of the Licensing Act 2003; Any Licence granted under the Licensing Act 2003 does not override any planning restriction on the premises or any restriction that may be attached to any lease of these premises.

The Chairman closed the meeting at 8.50pm, it having commenced at 7.00pm.

Chairman