



ADUR DISTRICT
COUNCIL

Licensing Committee

Date of Hearing: 09 March 2022

Ward: Marine/Widewater

Licensing Act 2003 – Application for a New Premises Licence at:

The Shoreham- by Sea Vintage Festival

**Adur Recreation Ground
Brighton Road
Shoreham-by-Sea, West Sussex
BN43 5TL**

Report by the Interim Director for Communities

1. Recommendation

- 1.1 That the Licensing Committee considers and determines the application made on behalf of :

Carrot Events Ltd.

for a New Premises Licence to authorise the sale of Alcohol and the provision of regulated entertainment at the above site.

2. Reasons for Hearing

- 2.1 The application has been the subject of formal representation by Sussex Police (which has been mediated) and the Council's Public Health & Regulation Environmental Protection Team and it therefore falls to this committee to determine.

3. Background

- 3.1 An application was made on behalf of Carrots Events Ltd by PT Licensing to the Licensing Authority, Adur District Council, on 18 January 2022 for the grant of a new premises licence.
- 3.2 The application was made after the applicant secured permission to use the Adur Recreation Ground from Adur District Council to stage a series of 4 day annual events.

- 3.3 Adur Recreation Ground is a large public park and one of Shoreham's main open spaces. Its southern boundary faces the A259 Brighton Road, the main coast road. To the north-east lies the River Adur, to the north west Brighton City Airport and to the south west the Dogs Trust rehoming centre. The nearest residential premises are in Ormonde Way on Shoreham Beach and the various house boats that are located on the river.
- 3.4 Adur Recreation Ground has been deemed suitable to allow public events to be held and these have proved very successful. The site is used for various regular events throughout the year including the annual Legends Festival, circuses, fairs and it hosts various other regular and one off public & charity events.
- 3.5 Attached to the report are:
- A plan & photos of the area (Appendix A)
 - A plan of the site (Appendix B)
 - A copy of the application (Appendix C)
 - The representations made by the Responsible Authorities (Appendix D)
 - Details of the mediation conducted (Appendix E)
 - The 2022 Event Management Plan (Appendix F)

4. The Application

- 4.1 The Application is attached at Appendix C. However, in summary, the applicant is seeking authorisation for:
- Sale of Alcohol:
 - 11:00hrs to 21:45hrs Thursday - Saturday
 - 11:00hrs to 19:00hrs Sunday & Monday
 - 11:00hrs to 21:45hrs if Sunday is prior to a Bank Holiday Monday
 - Regulated Entertainment in the form of Film, Live Music, Recorded Music, Dancing and anything of a similar nature:
 - 11:30hrs to 22:30hrs Thursday - Saturday
 - 11:30hrs to 19:30hrs Sunday & Monday
 - 11:30hrs to 20:30hrs if Sunday is prior to a Bank Holiday Monday

For provision at an annual ticketed event lasting up to 4 consecutive days with an audience of less than 5000 persons to be known as the 'Shoreham-by-Sea Vintage Festival' which the applicant is proposing to stage on the site each year.

- 4.2 This year's event is proposed to take place on Friday 2nd June to 5th June 2022.
- 4.3 The dates of the event each year to be notified to the Local Authority and Sussex Police with Four month's Notice. The event is designed to offer visitors a step back in time from the 1920's to the 1970's, offering an array of everything Vintage and Retro, such as classic vehicles, antiques, vintage style, music, a vintage marketplace, dance, Victorian funfair, artisan food and an open air cinema.

- 4.3 As recommended by the Guidance issued under section 182 of the Licensing Act 2003 the applicant has completed an operating schedule as to how it is intended to address the Licensing Objectives if this application were granted.
- 4.4 The applicant will also attend meetings of a Safety Advisory Group (SAG) which contains members from all the emergency services and provides advice and recommendations to assist in the safe running of events. The members of the group comprise advisors from the following organisations:
- Sussex Police
 - West Sussex Fire and Rescue
 - South East Coast Ambulance Service
 - Western Hospitals NHS Foundation Trust
 - Maritime & Coastguard Agency
 - A&W Councils' Environmental Protection, Health, Health & Safety, Parks & Foreshores and Licencing Services

This will result in a comprehensive Event Management Plan being agreed prior to each event every year. The Event Management plan is a living document that will be updated and revised as the event develops and amendments are identified. (Appendix F)

- 4.5 The proposed designated supervisor (DPS) is Sara Edgerton Hall who holds a Premises Licence issued by Eastbourne Borough Council.

5. **Promotion of the Licensing Objectives**

- 5.1 The Licensing Act 2003 and regulations require that the Council, as the local licensing authority, to carry out its functions with a view to promoting the four licensing objectives:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- the protection of children from harm.

- 5.2 In carrying out its licensing functions, the licensing authority must also have regard to the Guidance issued by the Secretary of State and its own Statement of Licensing Policy. Members are advised that the following sections of the Adur District Council's Policy may be particularly relevant to consideration of this matter, though of course the Policy in its entirety must be considered. Sections indicated relate to paragraph numbers in the Policy itself:

Prevention of Crime & Disorder

- 4.9 *The Licensing Authority is committed to further reducing crime and disorder within the Adur District and to helping people feel safe.*
- 4.11 *The promotion of the Licensing Objective to prevent crime and disorder places a responsibility on licence holders to work together in partnership to achieve*

this objective, and are strongly recommended to become members of any relevant Pubwatch scheme. Applicants will be expected to demonstrate, in their Operating Schedule, that suitable and sufficient measures have been identified and will be implemented and maintained to minimise or prevent crime and disorder in and around the vicinity of their premises, relevant to the individual style and characteristics of their premises and events.

4.12 *When addressing the issue of crime and disorder, an applicant must demonstrate that those factors that impact on crime and disorder have been considered. These specifically include:-*

- *Underage drinking*
- *Drunkenness on premises*
- *Public drunkenness*
- *Drugs (especially through an agreed Venue Drugs Policy)*
- *Violent behaviour*
- *Anti-social behaviour*
- *Lewd and offensive behaviour*

Prevention of Public Nuisance

4.16 *Licensed premises have a significant potential to impact adversely on communities through public nuisances which can arise from their operation. The Licensing Authority recognises the need to maintain and protect the amenity of residents, visitors and other businesses from the potential consequence of the operation of licensed premises, whilst balancing the rights of licensed premises to develop their business potential.*

4.17 *The Licensing Authority understands 'public nuisance' to include such issues as noise and disturbance, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.*

4.18 *Applicants will be expected to demonstrate in their Operating Schedule that suitable and sufficient measures have been identified and will be implemented and maintained with the intention of preventing public nuisance, relevant to the individual style and characteristics of their premises and events.*

Protection of Children from Harm

4.23 *The protection of children is a most important issue. It is hoped that family friendly premises will thrive, but the prevention of harm to children remains of paramount importance when determining applications.*

4.26 *Applicants will be expected to demonstrate in their Operating Schedule that suitable and sufficient measures have been identified and will be implemented and maintained to protect children from harm, relevant to the individual style and characteristics of their premises and events.*

Demand, Saturation & Licensing Hours

- 6.1 *In accordance with the Government's guidance the Licensing Authority recognises that demand is not a relevant criterion in considering an application under the Act.*

SPECIFIC CONSIDERATIONS

Alcohol – On & Off Sales

- 7.1 *It is now a mandatory condition that all licence holders selling alcohol put in place an age verification policy for the premises. In some circumstances the Licensing Authority will impose, where necessary to promote the Licensing Objectives, implicit conditions on the checking of the age of those who appear under 21 or 25 to ensure that alcohol is not sold to those under 18 years of age.*
- 7.2 *Licence holders need to have sufficient day to day control of operations at their premises. They will be held responsible for breaches of the licence and ensuring there is adequate staffing and training. The authorities will continue to use young people for the 'test purchasing' of alcohol and CCTV evidence, which has proved its usefulness in prosecutions for unlawful sales of alcohol. The likely consequences of a review of licence for underage sales include the imposition of additional conditions such as the attendance of a personal licence holder, licence suspensions and in some cases revocation to act as deterrence.*

Entertainment

Live Music, Dancing & Theatre

- 7.26 *This policy recognises the need to encourage live music, dancing and theatre for the wider cultural benefits of the community generally. In addressing such issues the potential for limited disturbance in neighbourhoods will always be carefully balanced with these wider benefits, particularly for children. Any Licensing Committee represents the general interests of a community and the views of vocal minorities should not be allowed to dominate such interests. In determining what conditions should be attached to licences and certificates as a matter of necessity for the promotion of the licensing objectives, the Licensing Authority is aware of the need to avoid measures which deter live music, dancing and theatre, such as imposing indirect costs of a substantial nature.*

6. Consultation

- 6.1 The application has been subject to the statutory consultation and statutory public advertisement arrangements in accordance with the provisions of the Act, in respect of which relevant representations were received from the following:
- Responsible Authorities - 2 X Representations

- Sussex Police
- A&W Environmental Protection Team
- Other Persons - No Representations

7. Relevant Representations

7.1 Detail of the relevant representations received is reproduced at Appendices D and E. They are considered to relate to the statutory licensing objectives as follows:

- **Prevention of Crime & Disorder**
- **Prevention of Public Nuisance**
- **Protection of Children from Harm**

7.2 Sussex Police suggested a number of new and revised conditions that they consider are required to enable this premise to meet the licensing objectives if members were of a mind to grant the application.

7.3 A&W Council's Public Health & Regulation Environmental Protection Team requested a detailed Noise Management Plan for the event to enable this premise to meet the licensing objectives if members were of a mind to grant the application.

7.4 The applicant, and those that have made representation have been formally notified of this hearing and invited to attend.

8. Mediation

8.1 The Licensing Act 2003 encourages mediation.

8.2 Sussex Police sought some new and revised conditions to address the licensing objectives and these have now been successfully mediated with the applicant. As a result Sussex Police have withdrawn their objections. The following conditions will be placed on any licence that the Committee may grant:

1. *Total licensable activity authorised by this licence will be limited to a maximum of four consecutive days per annum in an enclosed concert site. The dates for each year's event will be notified to the Local Authority and Sussex Police in writing with a minimum of four months advance notice.*
2. *The PLH will present a draft EMP [Event Management Plan] for each year's event to the licensing authority and the named responsible authorities who constitute the SAG [Safety Advisory Group] a minimum of eight weeks before the date of the proposed event in any one year.*
3. *A final EMP including:*
 - *specific numbers for SIA registered door staff and stewards, their timings and duties,*
 - *a Covid risk assessment (in line with Government guidelines at the time),*
 - *plans to manage and control patrons queuing outside the event,*
 - *A lost/found children and vulnerable people procedure for the event;*
 - *An admissions policy for under 16s and under 18s on the site.*

- *a dispersal plan to ensure all patrons have vacated the site by closing time on each, with security on site until at least midnight.*
- *Transport Management Plan*
- *Bar Management Plan – to include numbers of, staffing and supervision levels, location plan.*
- *Emergency Plan*

will be presented to all of the responsible authorities at least four weeks before the proposed event in any one year.

4. *A final EMP will be presented to all of the responsible authorities at least four weeks before the proposed event in any one year. The event will only be permitted to go ahead each year on receipt of the final EMP and its acceptance by the licensing authority.*
5. *The Premises Licence Holder must comply with the Final Event Management Plan submitted to and approved by the Licensing Authority and no changes will be made to it without prior written consent of the Licensing Authority. Each year's EMP will form part of the premises licence and the event will be run in accordance with the EMP.*
6. *A copy of the final agreed EMP 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.*
7. *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.*
8. *The whole park to be fenced off for the event and entry by ticket only. Tickets may be sold in advance of the event. Tickets may also be sold at the entrance on the day subject to capacity.*
9. *Alcohol will not be permitted to be brought onto the site by the public.*
10. *Alcohol may only be taken from the site:*
 - *if it has been purchased from an authorised trader at the event (these do not include the event 'bars') and*
 - *it is in a sealed container*
11. *There will be a zero tolerance policy of illegal drug use at the event. Anyone caught in possession of illegal drugs at the event will be held by the security staff and the police will be called. 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.*
12. *All drinks will be dispensed into or decanted into recyclable plastic glasses or recyclable plastic cups. No glassware will be permitted in the public areas of the site.*
13. *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.*
14. *Adequate rubbish bins provided and emptied regularly in accordance with the approved event management plan.*

15. Adequate temporary toilet facilities to be provided for event set at a minimum of one toilet per 100 females and one toilet per 500 males plus one urinal per 150 males.
16. 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.
17. The Premises licence Holder must comply with the Noise Management Plan (NMP) submitted to and approved by the Adur & Worthing Council's Environmental Protection Team and no changes will be made to the NMP without the prior written consent of the Licensing Authority.
18. No firework displays will be permitted at the event without the prior consent of the Licensing Authority
19. Customers will be asked to leave the site in a quiet and orderly fashion and respect the neighbours and their property
20. The EMP will cover the admission of under 18s to the event on a year by year basis to allow for flexibility.
21. Unaccompanied children will not be allowed within bar areas. The entrance to each bar within the site will have a barrier, with the entrance controlled by an SIA registered door supervisor.
22. A 'Challenge 25' policy will be in place at all bars/stalls and advertised on the website/ticket outlets. Any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID as proof of their age. The only ID that will be accepted are passports, official Photographic Identity Cards issued by EU states bearing a hologram or ultraviolet feature, driving licenses with a photograph, photographic military ID or proof of age cards bearing the 'PASS' mark hologram.
23. All staff must be made aware of proxy sales and be vigilant to adults purchasing and providing alcohol to children.
24. A Personal Licence Holder must be present during opening hours to supervise the sale of alcohol at each individual bar. This person's role will be supervisory only and to oversee the sale of alcohol on the site, and they will not personally sell alcohol or work behind the bar.
25. The Premises Licence Holder shall ensure that all staff members engaged, or to be engaged, in selling alcohol at the premises shall receive the following induction training.
26. This training will take place prior to the selling of such products:
 - The lawful selling of age restricted products
 - Refusing the sale of alcohol to a person who is drunk

All such training undertaken by staff members shall be fully documented and recorded and signed by both the employee and the DPS prior to being allowed to sell alcohol. All training records shall be kept on the premises and made available to authorised officers of the Responsible Authorities upon request.

27. *A list of staff members who are authorised to sell alcohol on the premises shall be kept. This shall be endorsed by the DPS with the date such authorisation commences.*
28. *Signage advertising the age verification or 'Challenge 25' policy will be displayed in prominent locations in the premises.*
29. *An incident/refusal log will be maintained by the premises showing a detailed note of incidents that occur in the premises. The log will be inspected and signed by the DPS (or a person with delegated authority) at the end of each day of the event. The log book should be kept on the premises and be available for inspection at all times the premises are open by authorised officers of the Responsible Authorities*

(Appendix D)

8.3 A&W Environmental Protection Team have been in mediation with the applicant and at the time of writing this was ongoing. The Committee will be informed of any developments.

9. Consideration

9.1 Members must take into consideration the following when determining this application:

- The four statutory licensing objectives
- Adur District Council's Statement of Licensing Policy
- Guidance issued by the Home Secretary
- The relevant representations from all parties and any mediated agreement reached.

9.2 These are the only matters to be addressed by the authority when considering this application. The statutory Licensing objectives are the only grounds on which representations can be made, and the only grounds on which an authority will be able to refuse an application or impose conditions in addition to statutory conditions and those proposed by the applicant in the Operating Schedule.

9.3 When considering this application for a premises licence the following options are available to the Sub-Committee:

- Grant the licence, as requested,
- Grant the licence, as requested, with additional conditions appropriate to the promotion of the specific licensing objectives on which relevant representations have been received.
- Reject the whole or part of the application.

Members may also:

- Grant the licence but exclude certain licensable activities from the licence,
- Refuse to specify a particular person as a premises supervisor,
- Approve different parts of the premises for different activities.

9.4 Members are required to give reasons for their decision.

10. Legal Implications

10.1 Under Section 181 and Schedule 5 of the Act, the following rights of appeal to the Magistrates' Court in respect of applications for a premises licence includes:

- The applicant may appeal against any decision to modify the conditions of the licence.
- The applicant may appeal against a rejection in whole or part of an application.
- A person who has made relevant representations may appeal against a licence being granted, or against the modification or lack of modification of any conditions.

10.2 The Act allows for the local licensing authority to undertake a review following the grant of a premises licence, when requested to do so by a responsible authority, such as the police, trading standards or the fire authority etc., or any other party, such as a resident living in the vicinity of the premises. The government's guidance states:

"The proceedings set out in the 2003 Act for reviewing premises licences represent a key protection for the community where problems associated with licensing objectives are occurring after the grant or variation of a premises licence.

At any stage, following the grant of a premises licence, a responsible authority, or any other person, may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.

10.3 In determining this application, the principles of the Human Rights Act 1998 must be taken into consideration and the convention rights of both individuals and businesses will be given due weight.

10.4 Members must consider each application on its own merits, and in accordance with the principles of natural justice, as well as the provisions of the Licensing Act 2003. All relevant factors must be taken into account, and all irrelevant factors must be disregarded.

10.5 All applications, before Committee, must be considered against the backdrop of anti-discriminatory legislation, such as the Equality Act 2010 and also in accordance with the Council's stated policy on Equal Opportunities.

10.6 In accordance with Section 17 of the Crime and Disorder Act 1998 the Council is under a duty to exercise its functions with due regard to the likely effect on, and the need to do all it reasonably can to prevent, crime and disorder in its areas. The possible crime and disorder implications are clearly relevant factors in the consideration of all applications and this is re-emphasised by the Licensing Act 2003 itself. In giving "due regard" to these possible implications members will consider and

weigh up all the information available and representations made, including those from interested parties and the responsible authorities particularly the Police.

11. Other Implications

- 11.1 Any decision taken will have regard for the local environment and, in particular, any conditions attached for the purposes of preventing public nuisance will take this principle into account. There are no significant direct race relations or equal opportunity implications that have been identified.

12. Recommendation

- 12.1 Members are requested to determine the application for a New Premises Licence for the annual Shoreham-by-Sea Vintage Festival to be situated at Adur Recreation Ground, Shoreham-by-Sea and give reasons for that determination.**

Interim Director for Communities

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Background Papers:

- Licensing Act 2003
- Guidance issued under section 182 of the Licensing Act 2003

<https://www.gov.uk/government/publications/licensing-act-2003-amended-guidance-issued-under-section-182>

- Adur District Council's Statement of Licensing Policy

<http://www.adur-worthing.gov.uk/licensing-and-permits/consultations-policy-forum/policy-and-forum/>

Appendices:

- Appendix A - Plan of area.
- Appendix B - Plan of the site.
- Appendix C - The Application Form.

- Appendix D – Responsible Authority Representations
- Appendix E – Mediation
- Appendix F - Event Management Plan 2022

Portland House, Worthing

Ref: TC/LA03/142431 – Shoreham-by-Sea Vintage Festival

Date: 01 March 2022.