

Committee: **Licensing Sub-Committee**

Date of meeting: **10 April 2019**

Subject:	Application for a premises licence under the Licensing Act 2003
Lead Officer:	Head of Environmental Services
Portfolio Holder:	Environment
Link to Council Priorities:	Community Wellbeing
Exempt information:	None
Delegated status:	For resolution

Executive Summary:

To advise Members of an application for a premises licence made under the Licensing Act 2003 against which representations have been lodged.

Recommendation:

That Members of the Sub-Committee consider the application and the representations made and determine the application.

REPORT

1. Overview

An application for a premises licence has been made by Mr Andrew John Muldoon. The application was received on 18 February 2019 and is for a one-day event called 'Icons Music Festival'. The proposal is to hold the event on 27 July 2019 between 11:00hrs and 23:00hrs at Apps Court Farm, Hurst Road, Walton-on-Thames, KT12 2EG

A map showing the location of the proposed licensed area is attached at Appendix A.

Two relevant representations have been received.

2. Background information and context

Apps Court Farm consists of approximately 80 acres of land with access to the site from Hurst Road. The site consists of fields and contains a business zone in the eastern corner of the site and two fishing lakes to the south.

The adjoining site to the north of Apps Court Farm, is used to store large volumes of aviation fuel and this site falls under the Control of Major Accident Hazards (COMAH) Regulations. The associated hazards and level of risk around a COMAH site are defined by geographical zones. The area to the north of the Apps Court Farm site, falls within the outer zones.

The Apps Court Farm site is used for events such as car boot sales but is not currently licensed under the Licensing Act 2003 for the sale or supply of alcohol or for the provision of regulated entertainment.

A site map showing Apps Court Farm is attached at Appendix B

3. Application and operating schedule

This application is for a new premises licence for a limited period of one day. The event is scheduled for 27 July 2019 and a maximum of 9999 people are expected to attend.

The event will consist of six tribute band music acts and will house one stage with supporting activities and infrastructure. There will be a funfair with food and bar outlets and some trade stalls for merchandising and memorabilia.

There will be camping on site for a maximum of 150 pitches and parking available for approximately 4000 vehicles split between two designated carparks.

The applicant has applied to carry out the following licensable activities between the hours listed below:

- a) supply of alcohol for consumption on the premises from 11:00 hrs to 23:00 hrs
- b) live music from 12:00 hrs to 22:30 hrs
- c) recorded music from 11:00 hrs to 22:30 hrs
- d) performance of dance from 11:00 hrs to 22:30 hrs
- e) anything of a similar nature to b), c) & d) from 12:00 hrs to 22:30 hrs

The site will be open to the public from 11:00hrs until 23:00hrs with camping overnight

The application form is attached at Appendix C.

The Operating Schedule at Section M of the application form describes the steps the applicant proposes to take to promote the licensing objectives. This should be read in conjunction with the Event Safety Plan.

The Event Safety Plan is attached at Appendix D. Appendix 6 of the Event Safety Plan at page 63, contains the Noise Management Plan for the event.

The applicant confirms that he will notify local residents as specified on p64 of Appendix D, no later than seven days before the event

The application has been made and advertised correctly.

4. Representations from responsible authorities

Valid representations have been received from the following responsible authorities:

- a) Environmental Health (health and safety enforcing authority)
- b) Environmental Health (pollution control)

The representations are made on the basis of noise nuisance from music, concerns regarding the plans for evacuation and the public safety risk associated with the adjoining COMAH site.

The representations are attached at Appendix E.

Further correspondence between the applicant and responsible authorities are attached at Appendix F.

5. Representations from any other persons

The Council has not received representations from any other persons.

6. Outcome

The Sub-Committee may:

- a) Refuse the application or
- b) Grant the application in part or in whole but attach conditions to the Premises Licence or
- c) Grant the application in part or in whole without attaching any conditions to the Premises Licence

Where additional conditions are attached, then reasons for the conditions or any amendments must be given.

The Sub-Committee are reminded that any party to the hearing (applicant or representor) may appeal against the decision of the Sub-Committee to the Magistrates' Court within 21 days of the notification of determination.

7. The Sub-Committee are asked to determine the application.

Financial implications: None directly but Members should be aware that any decision of the Sub-Committee may be appealed against in the Magistrates Court and such an appeal may involve additional costs and possibly costs against the Council.

Environmental/Sustainability Implications: Any application for a new licence may give rise to environmental implications both positive or negative depending upon the application and the measure proposed to be taken to control adverse environmental factors

Legal implications: As outlined in the report

Equality Implications: None

Risk Implications: None

Community Safety Implications: As outlined in the report

Background papers:

Elmbridge Borough Council Licensing Policy available at www.elmbridge.gov.uk .
Statutory Guidance issued under Section 182 of the Licensing Act 2003

Enclosures/Appendices:

Appendix A: Map of the licensed area

Appendix B: Apps Court Farm site map

Appendix C: Premises licence application

Appendix D: Event Safety Plan

Appendix E: Representations

Appendix F: Correspondence between Applicant and Responsible Authorities

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