

## **BOROUGH OF REIGATE AND BANSTEAD**

### **LICENSING SUB-COMMITTEE**

Minutes of a meeting of the Licensing Sub-Committee held at the Town Hall, Reigate on Monday 28 July 2014 commencing at 10.02 am.

Present: Councillor S. Farrer (Chairman); Councillors Mrs J. Bray and Mrs R. Turner

#### **1. APOLOGIES FOR ABSENCE AND RECONSTITUTION OF THE SUB-COMMITTEE**

Prior to the meeting Councillor Lynch sent apologies for absence as he was no longer available to sit on the sub-committee.

The Sub Committee was therefore reconstituted as set out above.

#### **2. MINUTES**

**RESOLVED** that the minutes of the meeting held on 6 November 2013 be confirmed as a correct record and signed.

#### **3. DECLARATIONS OF INTEREST**

There were no declarations of interest.

#### **4. LICENSING HEARING PROCEDURE NOTE**

**RESOLVED**, to note the procedure notes, to be followed at the discretion of the Chairman.

#### **5. APPLICATION FOR A PREMISES LICENCE: 34 HORLEY ROAD, REDHILL**

*In attendance and speaking at the hearing:*

*Applicant:*  
*Represented by*

*Mr Mylvaganam*  
*Mr Thavanessan*

*Licensing officer:*

*Mr P. Holliday*

The Committee considered an application for a premises licence at the above premises.

The licensing officer presented the application.

The report before the Sub Committee set out the details of the application and included copies of the representation received from a local resident, raising concerns of public nuisance. The objector did not attend the meeting.

The applicant and his representative attended the hearing and in the course of their submissions the following points were noted:

- The proposed operating schedule, as set out in the papers, included the following measures:
  - Installation of CCTV
  - Operation of a Challenge 25 policy
  - All sales of alcohol to be by the designated premises supervisor or a personal licence holder
  - Refusal book to be maintained
  - External area to be kept clean and tidy and rubbish to be disposed of
  - All staff to be trained and to hold a Personal Licence

In response to questions from the Sub Committee, the applicant confirmed that he would be happy to provide a bin outside the shop and to be responsible for emptying it.

He also confirmed that the CCTV had been professionally installed and that he would be happy to maintain this in accordance with Surrey Police's requirements.

*(The Sub-Committee adjourned to deliberate at 10.38 am and resumed at 11.06 am to give its decision.)*

The Licensing Sub Committee **RESOLVED** as follows:

**APPLICATION FOR A PREMISES LICENCE**  
in respect of **34 HORLEY ROAD, REDHILL**

**GRANTED AS set out below:**

**Supply of alcohol for sale off the premises:**

07h00 to 23h00      Monday to Saturday  
10h00 to 18h00      Sunday

**Hours premises are open to the public**

07h00 to 23h00      Monday to Sunday

subject to such conditions as are consistent with the operating schedule accompanying the application.

**Reasons for the decision**

1. The Sub Committee considered all the evidence submitted, both in the written application and oral representations made by the applicant's representative.

In reaching its decision the Sub Committee took into consideration:

- i. All papers and evidence relevant to their consideration of the application based upon the four licensing objectives.
- ii. The Council's own Statement of Licensing Policy, the Guidance issued

by the Secretary of State under s.182 of the Licensing Act 2003, Equality Act 2010, the individual merits of the case, Human Rights legislation and the rules of natural justice;

and considered that the application as granted met the four licensing objectives, and in particular the promotion of the prevention of public nuisance, based upon the relevant evidence and guidance.

**It was noted that the written decision hereby issued takes precedence over the drafted decision released verbally at the close of the hearing.**

**6. APPLICATION FOR TEMPORARY EVENT NOTICES TO WHICH THERE HAS BEEN AN OBJECTION BY THE RESPONSIBLE AUTHORITY: ROBINS COOKE FARM, REDHILL**

*In attendance and speaking at the hearing:*

<i>Applicant:</i>	<i>Mr Indriunas</i>
<i>Objecting authority: (Surrey Police)</i>	<i>Mr M Hume Inspector A Rundle Ms J Clark</i>
<i>Licensing officer:</i>	<i>Mr P. Holliday</i>

The Sub Committee was requested to determine an application for four TENS, in respect of each of which a formal objection had been lodged by Surrey Police.

The report before the Sub Committee included copies of the TENS applications and of the police objection, which related to the four licensing objectives of prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm.

Additional papers submitted by Surrey Police were circulated to all parties on 25 July 2014 and paper copies were provided at the meeting.

The applicant produced a plan of the site and a copy of the security schedule at the meeting and this was circulated to those present.

The TENS all related to Robins Cooke Farm, where the applicant wished to hold a Lithuanian Festival from 23 to 24 August. Each TEN covered a separate area within the overall site which would be fenced in to provide dancing, live music, recorded music and the sale of alcohol respectively.

The following points were noted during the initial submissions of the parties:

For Surrey Police (objecting authority):

- The event was being described as a family festival but the Event Management Plan referred to up to 2,500 people attending.

- TENS were primarily designed to cater for small events of up to 500 people.
- The combination of four TENS to allow an event of this magnitude to take place was not appropriate.
- The applicant had been advised of this in May when he was told that he should apply for a Premises Licence.
- The use of multiple TENS circumvented the Police advice on the correct process to follow.
- The use of TENS also denied local residents and responsible authorities with the opportunity to comment or make representations.
- The event organiser was not a Designated Premises Supervisor and apparently had no formal licensing experience or qualifications.
- Previous Lithuanian Festivals had been held at Headley Park and had resulted in a number of serious incidents involving the police, as detailed in the additional papers submitted.
- A review of the licence held by Headley Park had been requested by Hampshire Police and was pending consideration.
- The publicity surrounding the Festival carried strong political overtones.
- The Festival was open to both children and adults but the events management plan made no reference to the protection of children.
- It was unclear how the applicant would be able to ensure that no more than 499 were allowed into each TENS area at any one time.
- There was a serious potential for disorder if large numbers of people were trying to get into the same area, for example to hear a particular band or to access the alcohol tent.
- The annual Redfest was held at Robins Cooke Farm each year and a refined safety plan and milestone conditions had been developed to respond to local residents' representations. This had not been proposed for the Lithuanian Festival nor would there be time to do so.
- Allowing the festival to proceed would create a huge potential for risk. There had been inadequate planning, there were no legal safeguards and staff at the event would be untrained.

For the applicant:

- The applicant had no association with the event held at Headley Park on 21 June 2014 as referred to in the police evidence.
- The applicant had organised a Lithuanian Festival in 2013 which had passed without incident.
- The event was not going to be a rock festival. There would be light music with just a couple of groups and it would end around 7/8 pm.
- The festival would be celebrating the Baltic Way and would be a peaceful demonstration.

*(The hearing adjourned at 11.42 am and resumed at 11.46 am)*

The Chairman invited questions and a number of detailed questions were put to the applicant, both by the committee members, Mr Hume and Inspector Rundle.

The following points were noted as being of particular relevance:

*How will the numbers in each of the venue areas be controlled?*

- Stewards would be on duty at each of the four fenced 'venues', counting people in and out to ensure there were no more than 499 in any one area at any time.
- The land between the four venues would be open with free access.

*Members asked for the hours requested to be clarified, both for the regulated entertainment and the sale of alcohol, as different figures were given in the TENS and the operating schedule.*

- The stage for live music would only be used for the first day. The hours shown in the schedule were the correct ones and those given on page 71 of the bundle of papers were wrong. Page 71 had been copied over from Headley Park.
- All regulated entertainment would be outdoors and the reference to indoor entertainment should be disregarded.
- Hours for live music were to be from 12h00 to 20h00 on 23 August only.
- Hours for recorded music were to be from 11h00 to 23h00 on 23 August and from 12h00 to 18h00 on 24 August.
- Sale of alcohol was to be from 11h00 to 24h00 on 23 August and from 12h00 to 18h00 on 24 August.

*What measures will be taken to stop alcohol being brought onto the site?*

- There would be four stewards on duty at the entrance to make sure alcohol was not brought onto the premises. There would only be the one entrance into the site.
- At the 2013 event people were stopped trying to bring in alcohol in plastic bottles and these were confiscated.

*The event management plan appeared to have been cut and pasted from the Headley Park events and the applicant was again asked what his connection was to this event.*

- The applicant responded that he had no connection to the Headley Park events.

*What security arrangements had been planned? How many would be SIA trained?*

- The staff would be supplied by SB Security Co Ltd and would be English-speaking. The number who would be SIA trained had yet to be negotiated. Volunteer stewards would also be employed for parking duties.

*Only two stewards were shown as covering the venue where drinks and alcohol would be sold. How would they be able to control entry and exit if there were any incidents in this area? Who would be running the bar?*

- Additional stewards could be deployed from else where if required. Professional staff would run the bar.

*How would sound from each of the TEN venues be controlled to make sure it was not audible outside and how would people be stopped from bringing alcohol in if the whole site was not fenced off?*

- The sound equipment would not be as powerful as that used at Redfest.
- People would be prevented from getting onto the main site because of the hedges.

*What previous experience did the applicant have in licensing and did he hold a personal licence?*

- The applicant did not hold a personal licence but he had gained experience from the Headley Park events. He was a member of the Lithuanian Association which had used Headley Park for earlier events, but he was not associated with the 2014 event.
- The Lithuanian Association held a 52% share in Headley Park.
- In general, two or three Lithuanian events were held in the south-east each year.

Surrey Police then posed a series of further questions relating to how any incidents would be managed and whether the number of stewards proposed would be adequate to deal with this. The point was made that it would be a Bank Holiday weekend and Surrey Police would not immediately be on hand to deal with any issues.

The applicant was also asked where anyone causing a nuisance would be detained to await any police action.

The applicant referred to his experience at Headley Park where four stewards on the gate had proved sufficient. He advised that anyone causing trouble would be held at area 8 marked on the site plan. Members then commented upon the close proximity of this to the children's play area but the applicant did not believe it would be affected.

*The Sub Committee adjourned at 1.01 pm and resumed at 1.50 pm.*

The parties were then invited to make their closing submissions.

**On behalf of Surrey Police:**

The police view was that a full premises licence should have been applied for. Even if a premises licence had been applied for they would have had

concerns, and these were magnified by the proposal to hold four TENS simultaneously.

Those attending the event were likely to be the same people as who had attended the Headley Park events where there had been numerous incidents.

The various papers submitted gave conflicting details of what was being requested and the applicant himself had not managed to clarify this to the police satisfaction.

**On behalf of the applicant:**

This event would be very different from those held at Headley Park.

*The Sub Committee adjourned to deliberate at 1.53 pm  
and resumed to give its decision at 2.39 pm*

**RESOLVED** that a counter notice be issued in respect of each of the four Temporary Event Notices applied for.

In reaching its decision the Sub Committee took into consideration:

- i. All papers and evidence relevant to their consideration of the application based upon the four licensing objectives.
- ii. The Council's own Statement of Licensing Policy, the Guidance issued by the Secretary of State under s.182 of the Licensing Act 2003, Equality Act 2010, the individual merits of the case, Human Rights legislation and the rules of natural justice.

**Reasons for the decision**

1. The Sub Committee has considered all the evidence submitted, both in the written application and oral representations made by both the applicant and the objecting authority, Surrey Police.
2. The Sub Committee is very concerned at the lack of a clear demarcation between the four TENs and the implication of this upon security management and the prevention of crime and disorder and public nuisance and the maintenance of public safety and the protection of children from harm.
3. The Sub Committee is also concerned that the learning milestones of Redfest, held annually at the same site over several years, have not been adopted.
4. The Sub Committee considers that appropriate consultation with concerned parties, including local residents and other authorities, has been circumvented through the use of TENs.

**Observations of the Sub Committee**

- (a) There are substantial inconsistencies between the timings and details set out in the four TENs applications and the applicant's Event Safety

Management Plan. Further inconsistencies about the application detail were introduced by the applicant in the course of the hearing.

(b) The Sub Committee has no powers to amend or condition a TENS application.

(c) The Sub Committee believes that a full licensing application should have been made based upon the facts as presented during the hearing.

**The meeting closed at 2.40 pm.**