



**Riverside, 4 Canning Road, Lowestoft, Suffolk,
NR33 0EQ**

Licensing Sub- Committee

Members:

Councillor Janet Craig
Councillor John Fisher
Councillor Mark Newton
Councillor Jocelyn Bond (Substitute)

Members are invited to a Meeting of the **Licensing Sub-Committee**
to be held in the Claud Castleton Room, Riverside,
on **Tuesday, 4 June 2019 at 12:30pm**

An Agenda is set out below.

Part One – Open to the Public

Pages

1 Election of a Chairman

To elect a Chairman for the meeting.

2 Apologies for Absence and Substitutions

3 Declarations of Interest

Members and Officers are invited to make any declarations of Disclosable Pecuniary or Local Non-Pecuniary Interests that they may have in relation to items on the Agenda and are also reminded to make any declarations at any stage during the Meeting if it becomes apparent that this may be required when a particular item or issue is considered.

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| 4 | Application for a new Premises Licence: Nearly Festival, Oulton Broad ES/0028 Report of the Senior Licensing Officer | 1 - 6 |
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Part Two – Exempt/Confidential

There are no Exempt or Confidential items for this Agenda.

Close

A handwritten signature in dark ink, appearing to read 'Stephen Baker', with a long horizontal flourish extending to the right.

Stephen Baker, Chief Executive

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LICENSING SUB-COMMITTEE

Tuesday, 4 June 2019

APPLICATION DETAILS

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| Type: | New – Premises Licence |
| Name of Applicant(s): | Nearly Festival OB Ltd |
| Address of Applicant(s): | Unit 1, Altitude Business Park, Ipswich, IP3 9QR |
| Type of applicant (Premises Only): | Company |
| Name of Premises: | Nicholas Everitt Park – Nearly Festival |
| Address of premises: | Bridge Road, Oulton Broad, NR33 9JR |
| Description of Premises: | Public Park adjacent to Oulton Broad |

EXECUTIVE SUMMARY:

- This is an application for a new Premises Licence.
- The application seeks to permit live music, recorded music, performances of dance and the sale of alcohol on the premises.

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| Is the report Open or Exempt? | Open |
| Wards Affected: | Oulton Broad |
| Cabinet Member: | Councillor Mary Rudd, Cabinet Member with responsibility for Community Health |
| Supporting Officer: | Teresa Bailey Senior Licensing Officer 01394 444364 teresa.bailey@east Suffolk.gov.uk |

1. PROPOSED LICENSABLE ACTIVITIES

One weekend per year, the Licensing Team to be informed of the date at least 30 days prior to the event each year:

Live Music

Saturday 11:00 to 21.30

Sunday 11:00 to 20.30

Recorded Music

Saturday 11:00 to 21.30

Sunday 11:00 to 20.30

Performances of Dance

Saturday 11:00 to 21.30

Sunday 11:00 to 20.30

Sale of alcohol – on sales only

Saturday 11:00 to 21.30

Sunday 11:00 to 20.30

2. PROPOSED OPENING HOURS

Saturday 11:00 to 21.30

Sunday 11:00 to 20.30

3. OPERATING SCHEDULE

- 3.1 The following steps have been proposed in order to promote the 4 licensing objectives. These are proposals offered by the applicant and in their own words. Some submissions may already form part of the licence, as mandatory conditions; others may be re-worded by officers to form meaningful, enforceable conditions on the licence.

General Conditions

Plastic glassware will be used, no glass bottles / glasses to be sold.

The bar will operate a Challenge 25 Policy.

Door supervisors will be present in line with Event Management Plan numbers. The door supervisors will ensure that-

1. Drunk and disorderly persons are refused admission to the premises.
2. An orderly queue is maintained outside the premises.
3. Capacity limits are monitored and enforced.
4. No alcohol will be brought onto the premises by patrons.
5. Bags will be searched on entry.

Crime and Disorder

Security staff will be present as per the Event Management plan. There will be a Security briefing each day before the site is open to patrons.

No alcohol will be brought onto the premises by patrons. All alcohol sold on site will be through the festival bars. No alcohol can be taken off the premises.

Bar Staff will operate a Challenge 25 Policy. Bar staff will monitor customers and reserve the right to refuse the service of alcohol to anyone who they feel is in danger of becoming intoxicated.

Public Safety

Drinks will not be allowed to be taken off the premises at any time.

First aiders will be present at all times that the premises is open.

Security Staff will monitor crowd behaviour.

There will be an evacuation plan in the event management plan.

There will be fire points clearly marked on the site plans in the event management plan.

There will be a manned event control unit for patrons should they require assistance.

A full Event management Plan will be completed.

Prevention of Public Nuisance

Security staff will ensure that all patrons have left the premises prior to signing off duty.

Rubbish bins will be located on site to reduce waste problems outside the premises, a litter pick will be done after each day.

The event finishes relatively early (sat 21.30 & sun 20.30) to reduce the impact on local residents.

Patrons will be encouraged to leave in a sensible fashion.

Protection of Children from Harm

I.D. checks will be carried out to ensure proof of age, a challenge 25 policy will operate.

There will be a Lost Child / Vulnerable adult policy and staff will be briefed on this policy.

Children must be accompanied by an adult.

A plan of the premises is attached as **Appendix A**

4. REASON FOR HEARING

- 4.1 One representation against the application has been received from Environmental Protection as a Responsible Authority, and one representation has been received in support of the application

Responsible Authorities: One representation in objection

Other persons: One representation in support

- 4.2 The applicant has been provided with a copy of the representations and they are attached as **Appendix B** for members of the Sub-Committee.

- 4.3 Summary of grounds for representations in objection:

The organisers need to demonstrate the adequacy of the measures to be imposed for controlling noise impacts from outdoor entertainments and for ensuring the safety of any temporary water supplies provided for the event.

- 4.4 Summary of grounds for representations in support :

The full programme of events to be held in Nicholas Everitt Park has been considered in depth by Oulton Broad Parish Council to ensure minimal nuisance during night hours, to maximise incoming tourism and promote cultural diversity and consider evidence based local wishes. It is considered the proposed event (Nearly Festival) fulfils the above criteria and the applicants have sufficient experience in running similar events and they have

sought the expertise of their Noise Management company to provide a suitable Noise Management plan.

5. POINTS FOR CONSIDERATION

5.1 In exercising its licensing functions, the Licensing Authority has stated in its licensing policy that it will primarily focus on the direct impact of the licensable activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the vicinity of the premises.

5.2 The attention of the Sub-Committee is drawn to the following:

- a) The Licensing Act 2003 Section 4 requires the Sub-Committee to have regard to:
 - Guidance Issued under Section 182 of the Licensing Act 2003.
 - The Council's Statement of Licensing Policy

If the Sub-Committee has reason to depart from the above it is asked to give full reasons for so doing.

b) Human Rights Act 1998

The Human Rights Act 1998 came into force on the 2 October 2000. The Sub-Committee is urged to have careful regard of its provisions.

It is unlawful for a public authority (this expression includes local authorities) to act in a way which is incompatible with a human right.

As far as the applicant's right to a fair hearing is concerned (Article 6), the applicant has a right to be heard by the Licensing Sub-Committee. If this application is refused or granted subject to modification, the applicant has a right of appeal to the Magistrates' Court.

In assessing the impact of human rights the Sub-Committee must seek to strike a balance between the right of the proprietors in the business to conduct it as they wish and local residents who may find its activities intrusive. In this context a business is a "possession" and the human right is expressed to be for the "peaceful enjoyment" of it. A rider to this human right empowers the Council to control the enjoyment of that business by its proprietors in the general interest. At the same time, local residents are entitled to the peaceful enjoyment of their homes.

5.3 The relevant notices about this hearing have been served on the applicant and interested parties and they have until 28th May 2019 to confirm that they intend to attend (or not) as the case may be and give notice that they wish to call witnesses.

6. CONCLUSION

6.1 The applicant has been advised of the representations that have been made and there may be mediation between the applicant and the interested parties before the hearing in order to achieve agreement. In the event that an agreement is not possible, the Sub-Committee will be asked to determine this application by:

- Granting the application subject to such conditions as are consistent with the operating schedule accompanying the application and any condition which must be included in the licence in accordance with the Licensing Act 2003.
- Granting the application subject to such conditions as are consistent with the operating schedule accompanying the application, modified to such extent as the Sub-Committee considers appropriate for the promotion of the licensing objectives (for example, by excluding a licensable activity or restricting the hours when a licensable activity can take place), and any condition which must be included in the licence in accordance with the Licensing Act 2003.
- Rejecting the application.

6.2 If the decision reached by the Sub-Committee results in differences between the conditions attached to the licence and the planning permission currently in force for these premises, the applicant should be advised that the planning permission must be adhered to unless and until it is amended to reflect the conditions attached to the licence.

6.3 Depending on the decision of the Sub-Committee, the applicant and / or responsible authority and interested parties that have made representations have rights of appeal to the Magistrates Court.

6.4 When announcing its decision, the Sub-Committee is asked to state its reasons.

| APPENDICES | |
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| Appendix A | Plan of premises. |
| Appendix B | Representations. |

| BACKGROUND PAPERS | |
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| Application Form | Available from licensing@eastsoffolk.gov.uk |

