

Decision of Licensing Sub Committee. Hearing 9 June 2022

Application for a premises licence at the Special Event Space, Southover Grange Gardens, Lewes.

The hearing concerned a premises licence application for the Special Event Space, Southover Grange, Lewes. The Applicant was Visit Lewes, Lewes District Council for an annual festival Gin and Fizz festival. The application was for the sale by retail of alcohol on and off the premises on one Saturday in June per year between 12:00hrs and 22:00hrs, and for recorded amplified music outside on one Saturday in June per year between 12:00hrs and 22:00hrs, and for live amplified music outside on one Saturday in June per year between 10:00hrs and 22:00hrs.

In discharging its functions, the Sub Committee considered the promotion of the relevant licensing objectives, the Council's own Licensing Policy, the Home Office Guidance, and the rules of natural justice.

It also took into account the information contained within the Specialist Advisors report, presented by Michael Davies.

Due regard by the Licensing Sub Committee was also given to the relevant written representation of a local resident. This related to the prevention of public nuisance and the protection of children from harm. The representation expressed concerns that local residents and other users of the Gardens would be disturbed by the noise and adversely affect children by their witnessing adults drinking and it would encourage the consumption of alcohol. Concerns were also expressed about potential damage to the environment and to the closing of part of a public area. The representor also stated that allowing the licensable activity would be a breach of the Council's own byelaws. The Legal Advisor, at the hearing, confirmed that this was not considered to be a relevant objection but that in any case the licensable activities would not breach the byelaws which applied to the Gardens.

The Sub Committee considered the application and the oral representations made at the hearing by the Applicant's representative Helen Browning-Smith, who was accompanied at the hearing by Phil Rose.

Helen Browning-Smith stated that the event would be held in the least used part of the park and that the stage would not face the direction of local residents' properties. She advised, from previous experience, that the event would attract an older age group who, by implication, were less likely to cause a disturbance. She pointed out that, in the past, when the events had been run under Temporary Events Notices, there had been no problems of anti-social behaviour and considered it would be a good-natured event. She informed the Members that, to her knowledge, there had been one complaint, relating to a previous event, from a local resident who had been unhappy with the idea of a festival but that it was not a complaint about specific noise or anti-social behaviour. She pointed out that SIA staff would be in attendance. In relation to the concerns raised about public nuisance, it was stated that the noise levels would be under recommended decibel levels. It was stated that the sound levels would be monitored in various locations around the premises to ensure that noise was not excessive. It was stated that signs would be placed around the premises asking customers to leave quietly.

Helen Browning-Smith said that they expected at this year's event no more than 500 people.

She clarified that the relevant condition on the licence should be Challenge 25 rather than Challenge 21.

She also pointed that out no representation had been received from a Responsible Authority.

In relation to the concerns about the protection of children she reiterated that all children would need to be accompanied by an adult. She considered that the event actually modelled responsible drinking and it was a family-oriented event.

Whilst she did not believe that environmental issues were a licensing matter, she stated that the Applicant did respect the environment and would not damage plants in the Garden.

In answer to a question as to whether tickets would be available for sale on the day and whether that may cause a problem with capacity and queuing, she stated that tickets would be sold on the day but believed it was unlikely to cause any problems as there would be sufficient numbers of staff including SIA staff to deal with any issues. In answer to a question as to why the licence for live amplified music would start at 10.00hrs when the premises would not open to the public until later, she clarified that was to allow sound checks to be made. In the closing statement, it was reiterated that this would be a safe and well organised event which would not undermine the relevant licensing objectives.

In its deliberations the Sub Committee considered which decision would be appropriate and proportionate from the options outlined in para. 8.1 of the Report.

Decision

The Sub Committee resolved to grant the premises licence but modify the conditions as appropriate for the promotion of the licensing objectives. The modification of the licence conditions as follows;

Addition of condition "A notice shall be placed prominently at all the exits asking customers to exit quietly and this is to be monitored by staff."

Amend proposed condition 2 on page 27 of the Report by adding "The EMP must be agreed by the Licensing Authority, if changed from the original."

The Sub Committee noted that a Challenge 25 condition should be placed upon the licence rather than Challenge 21 condition.

Reasons for decision

The Sub Committee was content to grant the licence particularly in light of the comprehensive Event Management Plan and supporting documents provided by the Applicant. It took into account that there had been no reported problems with previous events held under TENs and was satisfied by the Applicant's representations that the event would be well run. It noted that no Responsible Authority had made a

representation. The Sub Committee also took into account that this was an annual one-off event.

The Licensing Act provides a right of appeal to the Magistrates' Court in respect of an application for a premises licence. An appeal must be commenced by notice of appeal being given by the appellant to the Magistrates' Court within a period of 21 days beginning on the date the appellant is notified in writing of the decision of the Licensing Sub Committee.

The decision will be provided in writing to all parties within five working days of the decision being made.

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