

Dear Member

**LICENSING SUB-COMMITTEE - MONDAY, 14TH SEPTEMBER, 2020**

Please find attached, for consideration at the next meeting of the Licensing Sub-Committee, taking place on Monday, 14th September, 2020, the following documents that were unavailable when the agenda was printed.

Please bring this document with you to the meeting.

**Agenda No    Item**

1. **Application for a Premises Licence - New Forest Fairy Festival, Land at Burley Park, Chapel Lane, Burley, BH24 4DJ - 26 & 27 September 2020 (Pages 3 - 16)**

Additional documents (marked "A") sent by the Applicant's solicitor consisting of:

- FOI request
- Extract from 'Compliance with the Health Protection (Coronavirus Restrictions) (England) Regulations 2020
- Traffic Management Plan

Note of two additional objector representations (marked "B")

Yours sincerely

**Committee Administrator**

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Sent by email: [enquiries@lsl-solicitors.co.uk](mailto:enquiries@lsl-solicitors.co.uk)

## Environmental and Regulation

Service Manager: Joanne McClay

Thank you for your request for information under the Freedom of Information Act 2000 received by the Council ON 26 August 2020.

You requested a list of complaints received by the Council in relation to the New Forest Fairy Festival at Burley Park, Burley, over the last five years

I confirm that the information is held by the Council and is being disclosed herewith:-

The Council has received no complaints regarding the New Forest Fairy Festival at Burley Park, Burley during the period 01 January 2014 to date.

If you are not satisfied with the handling of your request, you may wish to request an internal review. Requests for internal review should be submitted within 40 working days of the date of this email, and will be responded to within 20 working days of the request being received. Please put any review in writing to the Legal Services Manager, who will review the original decision, at:

New Forest District Council  
Appletree Court  
Beaulieu Road  
LYNDHURST  
SO43 7PA

If the decision is upheld to refuse disclosure, or your complaint is not resolved to your complete satisfaction, having exhausted the internal appeal procedure, you have a right under section 50 of the Act to apply to the Information Commissioner for review at:

The Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire SK9 5AF  
[www.ico.org.uk](http://www.ico.org.uk)

Yours faithfully

*Ann Chester*

### **Ann Chester**

Environmental & Regulation Office Manager  
New Forest District Council  
Tel: **023 8028 5326**

(Highlighting Added)

**Extract from ‘Compliance with the Health Protection (Coronavirus Restrictions) (England) Regulations 2020, published by Jim Cathcart (UK Hospitality), Ian Graham (National Police Chiefs Council, Licensing Advisory Group), John Miley (National Association Licensing Enforcement Officers), David Lucas (Institute of Licensing), et al ;**

Enforcement should be a last resort, businesses and venues that breach the regulations may be subject to prohibition notices, and a person who is 18 or over, carrying on a business in contravention of the regulations may be issued with a fixed penalty.

With the support of the police, prohibition notices can be used to require compliance with the Regulations including requiring that an activity cease. It is also an offence, without reasonable excuse, to fail to comply with a prohibition notice.

If prohibition notices are not complied with, or fixed penalty notice not paid, a prosecution may be instigated, with magistrates able to impose potentially unlimited fines.

Is it possible to review a premises licence or club premises certificate?

Failure to observe the guidance is a public health issue and is not an offence. On its own, it would not appear to engage the public safety objective or any of the other licensing objectives. A review would not therefore be available in the circumstances.

A review may be available if a business is conducted in a way which is detrimental to one or more of the licensing objectives. There would need to be clear and unequivocal evidence that a venue was being operated in a way which would justify such action.

Will the new pavement licence authorise the sale of alcohol? (Assuming that the Business and Planning Bill becomes law)

The grant of a pavement licence only permits the placing of furniture on the highway. Other legislation still applies, such as the Licensing Act 2003 which deals with the need for an alcohol licence and it will also be necessary to comply with registration requirements for food businesses.

If the applicant for a pavement licence also has a licence to serve alcohol on the premises, temporary amendments to the Licensing Act 2003 will allow them to sell alcohol for consumption off the premises without the need to apply for a variation of their alcohol licence.

A note on the provisions relating to pavement licences contained in the Business and Planning Bill has been prepared by NEXSTART.<sup>2</sup>

Is it necessary to display a COVID-19 compliance notice?

It is not a legal requirement for a business to display a notice stating that a venue is safe and compliant with the government’s COVID-19 guidance.

The guidance expects that businesses will wish to demonstrate that they have properly assessed the COVID-19 risks and taken appropriate action to mitigate them. The guidance anticipates that the way in which businesses will do so is by displaying a notice in a prominent place within each venue and on any website.

Is there any requirement to reduce operating hours?

The regulations do not restrict the hours when licensable activities may be provided or when venues may be open.

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<sup>2</sup> <https://www.instituteoflicensing.org/media/Ozthhgjh/nexstart-pavement-licence-guide-v1.pdf>

## TRAFFIC MANAGEMENT PLAN

# New Forest Fairy Festival

## EVENT TRAFFIC MANAGEMENT PLAN

DATE:	AMENDMENT HISTORY
10/06/2019	VERSION 1.1
15/07/2020	VERSION 1.2

## INTRODUCTION

The New Forest Fairy Festival is organised by Miss Holly Kate Norman and is scheduled to take place between the 26th and 27th September 2020, at Burley Park, Burley Hampshire. The New Forest Fairy Festival and its designated car parks will take place entirely on private land. The event has the following locations:

- Burley Park - Festival Site
- North Park - Car Park

The event traffic management plan, intends to reduce the impact of the Festival on the highways, road network , with the intention of:

- Keeping the road network flowing
- Managing traffic management flow to and from the designated car park.
- Working Closely with all Contractors and Marshalls throughout while understanding respective responsibilities.

The Plan will be implemented by the Organiser, The Operational Manager and the Traffic Manager.

During the Build, a small amount of vehicles will arrive two days before the live days are to be scheduled. Contractors and production vehicles are to arrive on site on their designated time slots and through the most appropriate entrance gate.

Site Break phase will be completed One day after the Festival is completed and once again site traffic will be operating on the transport network to enable break phase to be concluded.

The Principle of the Event Traffic Management plan will be implemented during actual Live days of the festival. The following teams employed by the festival will be responsible for dealing with the arrival and departure of the visiting audience during the two live days of the festival.

The Following features of the festival site will become operational during live days of the festival

- North Park - Car Park
- Disabled Parking
- Staff Parking

The Event is supported by One Very Large dedicated carpark, Along with overflow car parking on Burley Park Site.

The main route into the festival is from the A31, continues to Picket post and then Burley Street in which the Festival is situated to the east. The alternative route is from the A35 , turning off to Holmsley Tea Rooms and towards the Village of Burley. On both routes to the festival, Visitors travelling to the festival do not have to enter the village of burley to access the Carparks.

Charges for the car park are taken by the Landowner and the festival does not have any financial payment for this facility. The car park charge is as follows:

### **CAR PARK CHARGES**

Car Park    £3 per car.

The Car Park entrance has been carefully constructed to provide a multi lane facility, to ensure car park fees can be collected quickly and efficiently and to also ensure the flow rates of vehicles are maximised eliminating any congestion from the road. Multi lane facility on exit has also been implemented.

### **CAR PARK OPENING TIMES AND CLOSING TIMES**

#### Saturday

8am - 7pm

#### Sunday

8am -7pm

### **OBJECTIVES OF THE TRAFFIC MANAGEMENT PLAN**

The main objectives of the traffic management plan are:

To ensure the safe and effective movement of vehicles into the Carpark.

To Keep traffic flow moving and to eliminate congestion.

To ensure the flow rate of the Designated public car park are maximised and that responsible and considered responses are made by the Organiser , The Operational Manager and Traffic Manager if in the event a problem arises.



To ensure at all times that emergency vehicles are able to operate onsite and off site for any emergency.

To Continually evaluate all traffic flow on a regular basis to ensure that the Traffic management plan is fit for purpose.

## **TRAFFIC MANAGEMENT TEAM**

The essential delivery of the traffic management plan for the festival is the responsibility of the Event Organiser. This will be managed by a dedicated team.

### **Roles and Responsibilities**

#### **EVENT ORGANISER**

The event Organiser has overall responsibility for the entire event. All Team members in a role of command, including the operational manager will report to the event Organiser.

#### **OPERATIONAL MANAGER**

Has the overall responsibility of the operational management of the event. The Day to day running of the festival, The delivery of the festival.

#### **EVENT SAFETY MANAGER / OFFICER**

Will advise on all safety issues relating to the event. The health and safety officers role is to ensure the health and safety policy is implemented and ongoing assessments of all identified hazards take place on a regular basis along with being apart of the Traffic Management Team.

#### **TRAFFIC MANAGER**

To Manage the operations of the traffic management plan on behalf of the Organiser and the Operational Manager. Will lead the Traffic Management team and to be responsible for managing traffic flow into the Carpark. Also regularly accessing all aspects of vehicle flow and movement.

## **TRAVEL TO SITE**

The visitor will travel to the event using two options:

- BY VEHICLE
- PEDESTRIAN ARRIVAL.

## **ROUTE PLANNING AND CONTROL**

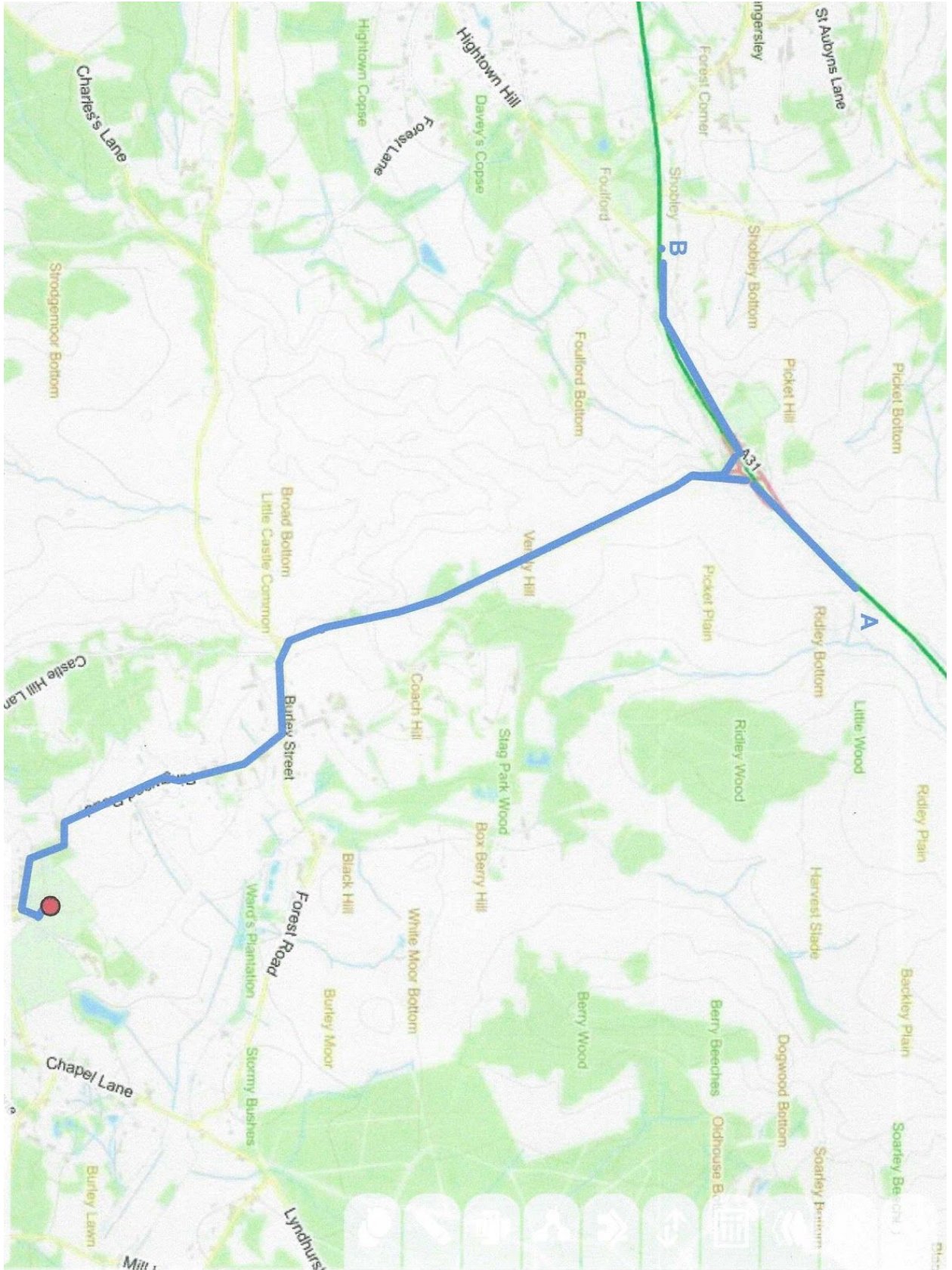
The majority of the roads surrounding the site are main roads leading to the designated car park and festival site. All Visitors, contractors and staff and production traffic have been instructed to use the road set out in this traffic management plan. This will minimize disruption to local residents and businesses. The roads have been highlighted on the map below.

A 5MPH Speed limit is imposed in the car park and festival site for the duration of the festival. There is no vehicle movement on the festival site on live days.

## **EMERGENCY PROCEDURE**

Collingwood Medical will be onsite for the duration of the festival. In the unfortunate event of further emergency services being required, a separate road leading directly on to the festival site is solely for that use. No other vehicles are permitted to use the road at any time, which runs parallel with the exit from the festival site and will be kept clear at all times.

**ACCESS TO FESTIVAL**





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The following two representations to the granting of the premises licence for the Fairy Festival were both received by the Council within the time period for representations but were sent to an event email inbox rather than the standard licensing email address.

These were subsequently forwarded to the Licensing team and have been considered as relevant representations.

**Name: Linda McGivern Contact Number: x**

As a resident of Burley, I am rather surprised that the NFDC are considering granting a license for the Fairy Festival this year. I believe it has attracted at least 2500 people per day in the past, and worry that with the threat of Covid 19 still very much part of life, social distancing would be difficult to enforce. Many events have rightly been cancelled this year in the Forest and I really don't believe that giving this event a license would be in the public's safety.

**Name: Margaret Brooks Contact Number: x**

I understand that plans are afoot to hold another Fairy Festival in Burley. I would ask the Council to seriously consider granting a licence for this event. We are told that there is a strong possibility that the country could face a second wave of COVID 19 and a huge gathering of this sort would only increase the possibility of a serious outbreak in the New Forest. This event, in previous years, has caused huge disruption in the village causing great distress to animals and all who live here.

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