

**NEW FOREST DISTRICT COUNCIL  
LICENSING ACT 2003**

**APPLICATION FOR A NEW PREMISES LICENCE – NEW FOREST FAIRY  
FESTIVAL, BURLEY PARK, CHAPEL LANE, BURLEY.**

Decision of the Licensing Sub-Committee hearing held at Appletree Court,  
Lyndhurst on 14 September 2020.

---

**1. Members of the Licensing Sub-Committee**

Councillor S J Clarke (Chairman)  
Councillor S P Davies (Substitute for Cllr Dunning)  
Councillor N Tungate

---

**2. Parties and their Representatives attending the Hearing**

**Applicant:**  
Ms H Norman  
Mr J Payne – Solicitor representing

**Objectors:**  
Cllr M Steele  
Mr C Hobbs and Mrs C Hobbs

---

**3. Other Persons attending the Hearing**

**Council Officers:**  
Joanne McClay, Service Manager (Environmental and Regulation)

---

**4. Parties not attending the Hearing**

Mrs S Lawrence  
Mrs M Brooks  
Mr and Mrs E Gurd  
Ms L McGivern

**5. Officers attending to assist the Sub-Committee**

Amanda Wilson – Legal Advisor  
Andy Rogers - Clerk

---

## 6. Additional Documentation

Prior to the hearing, some additional documentation was circulated to the parties. This included additional documents sent by the Applicant's solicitor consisting of:

- An FOI request made to the Council;
- An extract from 'Compliance with the Health Protection (Coronavirus Restrictions) (England) Regulations 2020;
- A Traffic Management Plan.

In addition, three further representations were circulated which had not been included in the initial Agenda papers.

---

## 7. Absence of Parties

At the outset of the hearing it was noted by the Sub-Committee that a few of the parties were absent. Of these parties, the following had confirmed that they would not be in attendance:

Mrs S Lawrence  
Mr and Mrs E Gurd

This, therefore, left two parties (Ms L McGivern and Mrs M Brooks) who had not indicated whether or not they would be in attendance. The Sub-Committee considered whether it was necessary in the public interest to adjourn the hearing or to hold the hearing in their absence. The Sub-Committee took into account the fact that the points raised by these parties were very similar to the points raised by the parties in attendance. The Sub-Committee decided to proceed with the hearing in their absence and take into consideration their written representations in reaching its decision.

---

## 8. Decision of the Sub-Committee

The application is granted on the following terms and conditions.

### **Licensable activities and times permitted:**

#### **On 26 and 27 September 2020:**

Provision of Live Music – Outdoors:-

Saturday – 10:00 to 18:00 hours  
Sunday – 10:00 to 18:00 hours

Provision of Recorded Music – Indoors and Outdoors:-

Saturday – 10:00 to 18:00 hours  
Sunday – 10:00 to 18:00 hours

Provision of Performances of Dance - Outdoors:-

Saturday – 10:00 to 18:00 hours

Sunday – 10:00 to 18:00 hours

Provision of Anything of a Similar Description to Live Music, Recorded Music or Performances of Dance – Indoors and Outdoors:-

Saturday – 10:00 to 18:00 hours

Sunday – 10:00 to 18:00 hours

Supply of Alcohol: - On the premises:-

Saturday – 10:00 to 18:00 hours

Sunday – 10:00 to 18:00 hours

Hours Premises are Open to the Public:-\_

Saturday – 10:00 to 18:00 hours

Sunday – 10:00 to 18:00 hours

**Mandatory conditions:**

As provided in the Licensing Act 2003 and Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 and the Licensing Act 2003 (Mandatory Conditions) Order 2014.

**Conditions consistent with the operating schedule accompanying the application:**

**General – all four licensing objectives**

N/A

**The Prevention of Crime and Disorder**

1. Door Staff or Stewards will be employed at the event to supervise admissions and customers inside the Premises.
2. Security will be present at the Premises for the duration of the opening hours. Security will be licenced to the SIA, Security Industry Authority and SIA badges will be clearly displayed when working.
3. All Staff or Stewards shall wear uniform or high vis Jackets so they can be easily identified.
4. All Staff will undergo a daily briefing and debriefing to enable improvements to be made to the working practices at the Premises.
5. Drinking vessels made from plastic or polycarbonate will be used in the bar area. Collection of such vessels will be done on a regular basis and recycled into relevant bins.

6. A lost and found policy will be in place in relation to lost/found property at the Premises. This will be held in the welfare tent. The policy will include logging of property. Passports and any other ID found will be handed into the police station.
7. Staff training will be given to Bar Staff as agreed by DPS on the effects of alcohol and how to spot early signs of customers becoming intoxicated. All Bar Staff will be aware of the responsibilities under the Licensing Act 2003 and be able to recognise appropriate 'cut off' points for serving intoxicated customers to reduce anti-social behaviour.
8. Drink Aware posters will be used around the Premises to remind customers of the unit content in alcoholic drinks and the safe alcohol consumption limits.

### **Public Safety**

9. A full risk assessment will take into account public safety and will be carried out to identify potential hazards posed to staff, customers, contractors, artists, performers and exhibitors. Precautions will be put into place for potential hazards.
10. All Staff working at the Premises will be made aware of the risk assessment and precautionary measures.
11. A copy of the risk assessment will be kept at the event and will be made available for inspection by any of the responsible authorities.
12. First Aid boxes will be available at the Welfare tent / Lost Children tent and maintained with sufficient, in date, stock. Medical supervision must be in attendance and on duty at all times during the opening hours of the Premises.
13. An accident book will be kept in order to record all accidents or incidents and will be made available for inspection by any of the responsible authorities.

### **The Prevention of Public Nuisance**

14. A noise management policy will be in place that sets out measures to control noise at the Premises.
15. There shall be sound engineers on the Premises who are independent of any band to monitor sound levels.
16. All bands and acoustic sets, contractors and sound engineers must be made aware of the noise management policy.
17. The stage and speakers shall be set to the furthest point away from the road and speakers will direct sound into the Premises where the audience is located.

18. Sound levels will be measured using sound measuring equipment and must be carried out on a regular basis. A logbook of all noise monitoring shall be kept at the Premises. The logbook will be available for inspection by the Licensing Authority, or any of the other responsible authorities.
19. A contact telephone number for reporting noise disturbances should be put in place and made available to local residents and businesses. This number must be available to use during the opening hours of the Premises.

### **The Protection of Children From Harm**

20. Admission of children into the Premises must only be permitted if they are accompanied by an Adult, Parent or Guardian.
21. There shall be a 'NO ID-NO SALE' policy. A Challenge 25 Scheme will be carried out at the Premises. Anyone looking under 25 years old will be asked for ID to prove they are 18 years or older. Only photographic driving licenses and passports should be accepted.
22. Posters must be placed around the Premises to promote the Challenge 25 Scheme.
23. Proof of ages signs must be displayed at the point of sale.
24. A refusal book must be kept by the DPS and be completed whenever a sale of alcohol is refused to a person who cannot prove they are 18 years or older.
25. The refusal book must contain the date and time of the refusal, a description of the customer, and the name of the staff member who refused the sale, and finally the reason the sale was refused.
26. The refusal book will be available to any of the responsible authorities for inspection.
27. Staff training to Bar Staff on age verification requirements of the Licensing Act 2003 and the Challenge 25 Scheme. This training must include guidance on how to competently check customers' identification where necessary.
28. A record of all Staff training, including the staff name and date trained, will be kept by the DPS and made available for inspection by any of the responsible authorities.

## 9. Reasons for the Decision

The Sub-Committee considered the application for a premises licence along with the evidence, both written and oral, supplied by the Applicant and all those who had made relevant representations.

At the hearing the Sub-Committee carefully listened to all the evidence that was provided and considered what action was appropriate for the promotion of the four licensing objectives:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm

The Sub-Committee noted the absence of relevant representations from any of the responsible authorities. In particular, in light of the contents of the complaints raised, the Sub-Committee observed that no representations had been received from Public Health.

The Sub-Committee were mindful of the unique circumstances surrounding this application, the event itself and the current Coronavirus/ Covid 19 pandemic. However, their role was limited to considering the impact of the proposed licensable activities, with reference to the licensing objectives.

The Sub-Committee noted submissions by the Applicant drawing attention to the Section 182 Statutory Guidance issued by the Home Office, as included at page 5 of the report, and the information circulated with the additional papers, regarding the public safety licensing objective being limited to the safety of people using the relevant premises rather than public health. These submissions were all considered to be of relevance in the application.

The Sub-Committee carefully reviewed the representations and the comments that were made by those objecting who attended the hearing. However, taking into account the Section 182 Statutory Guidance, they concluded that little weight could be attributed to the representations where they focused on the impact of the event on public health issues.

The Safety Advisory Group ('SAG'), which included a representative from Public Health, had considered relevant documents and risk assessment prepared by the Applicant. The Sub-Committee were of the view that these professional advisors (SAG) had the expertise to consider the suitability of these documents and noted that they had no outstanding comments regarding the event. The Sub-Committee noted that the comments from Public Health regarding how the event would comply with the new Government 'Rule of Six' requirements were awaited. However, this did not impact on the Sub-Committee's decision on whether the Premises Licence should be granted.

Where objections related to the licensing objectives, the Sub-Committee noted that there were concerns regarding public nuisance and crime and disorder and the problems anticipated regarding the impact of the event on the roads in the local village. However, the Sub-Committee felt that the

traffic management plan and the measures outlined by the Applicant in their submission addressed the potential concerns of the objectors.

The Sub-Committee also heard concerns that the consumption of alcohol would impact on attendees' behaviour and adherence to social distancing measures. However, the Applicant explained to the Sub-Committee that the nature of the event was that of a family, daytime festival and that only low level of alcohol consumption was anticipated.

It was further noted by the Sub-Committee that a Freedom of Information request had recently been made by the Applicant and responded to by the Council and this showed that no complaints had been made regarding the running of the event since 2014. There was no evidence before the Sub-Committee to suggest that the event this year would give rise to the issues complained of. It was overall considered that the Applicant took their management responsibilities very seriously and that the imposition of the Conditions, as set out at paragraph 8 above, were appropriate for the promotion of the licensing objectives and offered a satisfactory degree of control over the licensable activities.

Accordingly, the Sub-Committee was of the view that the appropriate step for the promotion of the licensing objectives was to grant the application subject to Conditions.

The Sub-Committee was aware that the Applicant could already hold the event under the Temporary Event Notice ('TEN') that had been submitted prior to the hearing.

However, the Sub-Committee would like to remind all parties that the approval of this Premises Licence does not provide authorisation for the event to go ahead and this Premises Licence, and the licensable event which can take place under the TEN, will be subject to the Government guidance and restrictions in place on the dates of the proposed event.

**Date: 14 September 2020**

**Licensing Sub-Committee Chairman: Cllr S J Clarke**

---

**FOR OFFICE USE ONLY**

Decision notified to interested parties on 15 September 2020