



Committee report

Committee	LICENSING SUB COMMITTEE
Date	5 MARCH 2015
Title	TO DETERMINE AN APPLICATION FOR A PREMISES LICENCE UNDER SECTION 17 OF THE LICENSING ACT 2003 FOR V DUB FESTIVAL, SOUTH FAIRLEE FARM, MEWS LANE, NEWPORT, ISLE OF WIGHT
Report Author	BILL MURPHY HEAD OF PLANNING AND REGULATORY SERVICES

BACKGROUND

1. A premises licence issued under section 18 of the Licensing Act 2003 authorises the use of premises for the sale or supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment.
2. An application for a three year premises licence was submitted to the licensing authority on 9 January 2015 for V Dub Festival 2015, South Fairlee Farm, Mews Lane, Newport, Isle of Wight, PO30 2LB (Appendix A).
3. The applicant is required to submit a copy of the application to Responsible Authorities as defined in the Licensing Act and to place a notice of the application at the premises and in a local newspaper.
4. The applicant is also required to submit a plan of the premises; this is shown at Appendix B.
5. Any person may make representations in respect of the application and if these are not resolved the licensing authority must hold a hearing to determine the application.
6. V-Dub Island is primarily a Volkswagen enthusiast's event. It has been held on the island for the past four years in two different locations. The proposed location for this year's event has not previously been used.
7. The application is for a maximum of 4999 people. The event site will consist of a main entertainment marquee with a bar adjacent to it, an arena, children's zone, trading area, car show area, paddock and skate ramp area. There will be a smaller café bar on the main site and a small bar in the campsite.
8. The applicant is proposing that the site will open to campers on Sunday 19 July 2014 and will close to them on Monday 27 July 2015. The main event is scheduled to take

place between 23 July 2015 and 26 July 2015 and during this time the site will be open to the public by way of weekend or day tickets.

9. Campers will not have access to the main arena until 23 July 2015; a small bar and a food outlet will be provided in the campsite along with a children's entertainment area.
10. The applicant intends to provide some low level entertainment on the Monday, Tuesday and Wednesday prior to the main event in the campsite.

CONSULTATION

11. The Licensing Act 2003 prescribes a twenty eight day consultation period, commencing the day after the application has been correctly served. Applicants are required to serve each of the Responsible Authorities with a copy of the application, advertise the application at or on the premises and also in the local newspaper.
12. Initially an application for a premises licence was made on 22 December 2014. However the application was not advertised in accordance with regulations and the application was therefore rejected.
13. A new application was received on 9 January 2015. The application was advertised in the Isle of Wight County Press, at the premises and on the Council's website. The consultation period ended on 6 February 2015.
14. The outcome of the consultation in respect of this application is as follows:

Responsible Authorities

Children's Services	No outstanding representation
Environmental Health	Representation made
Fire and Rescue Service	No outstanding representation
Trading Standards Service	No outstanding representation
Planning Services	No Representation made
Police	Representation made
NHS	No outstanding representation
Licensing Authority	Representation made

15. Children's Services initially made a representation based on a lack of information in the application. The applicant has since provided a Lost Child Policy. A meeting between the applicant and Children's Services was held on 18 February 2015, where the practical arrangements behind the policy were discussed and further safeguarding advice was provided. Children's Services now state that they are happy that the policy will work in practice and have withdrawn their representation.

16. The Environmental Health Section has made a representation (Appendix C) that the applicant has not adequately addressed the licensing objectives for the control of public nuisance and public safety either in the operating schedule or the event management plan.
17. In respect of health and safety, concerns have been raised over the competency, experience and qualifications of the named individual who will be responsible for managing health and safety on site. Also over discrepancies in numbers of people expected to attend (page 3 of the event management plan at Appendix A states a maximum of 4999 and page 7 states that the numbers expected are in the region of 2000).
18. Further concerns have been raised that following the event in 2014 a number of failings were identified and these were detailed in a letter to the applicant along with a number of specific health and safety regulations requesting that the issues be addressed for any 2015 event. Environmental Health state that it is therefore disappointing that there is no reference to the points raised in the application.
19. Environmental Health consider that at this time they are unable to recommend conditions as they would be too many in number and overly prescriptive due to a lack of information. They state that seeing and understanding how the applicant will manage the event is crucial to the determination of the licence. They have requested that the event organiser submit the following information:
 - A Health and Safety policy statement,
 - Risk assessments,
 - Details of the competence of the personnel carrying out the above two points and their responsibilities during the event,
 - Details of the sanitary provision, in line with numbers they intend to have onsite. How will they increase the provision, if numbers on site increase?
 - Details of the on-site traffic management plan, with specific detail at vehicle/pedestrian intersections.
 - Details of the mechanism for reporting accidents and near misses.
20. In respect of public nuisance Environmental Health state that there is a potential for nuisance to occur. There are residents within 260 metres of the event site who may be affected due to the hours that the applicant is proposing to carry on licensable activities. The applicant has not stated how they will carry out noise monitoring or identified locations where nuisance may occur.
21. Environmental Health has queried the ability of the organiser to comply with noise conditions following the 2013 and 2014 event. The proposed location is more noise sensitive than locations used in previous years and as such they seek reassurance that noise monitoring will be carried out by a competent person. At this time and without further information from the event organiser Environmental Health is reluctant to suggest conditions.
22. On 29 January 2015 the applicant submitted a risk assessment and this was forwarded to Environmental Health. The department has confirmed via an email dated 9 February 2015 that the risk assessment does not address the points that they have raised and their representation still stands.

23. During the consultation the Fire and Rescue service made a representation stating that they will require the following documentation at least 8 weeks prior to the event (22 May 2015):

- Fire Risk Assessment,
- Event Management/Safety and Operational plan,
- Traffic Management Plan,
- Method statement and Operating Schedule from the on site provider Cinefire Tech and accurate site plans.

The applicant has agreed to provide the information requested and the representation from Fire and Rescue has now been withdrawn based on this undertaking.

24. Trading Standards have made two previous representations due to the lack of information within the application. The applicant has since provided a Bar Policy which addresses the concerns raised and they have agreed to prohibit Psychoactive Substances (Legal Highs) from the site. On this basis Trading Standards have now withdrawn their representation.

25. The Police have submitted a representation (Appendix D) as they do not consider that the applicant has adequately addressed three of the four licensing objectives in the Operating Schedule.

26. Concerns have been raised that insufficient information has been provided in order for the police to properly assess whether the event will promote the licensing objectives.

27. A site visit took place between the police and the organisers in order for them to obtain further details of how the event would operate so that appropriate conditions could be recommended. Police state that numerous suggestions were made during this visit regarding measures which they felt were necessary for the safe running of the event but none of these have been incorporated into the Event Management Plan. Examples of the lack of detail are provided in the police representation.

28. Particular areas of concern are:

- A lack of information on how the organiser will ensure the number of people on site remains below 4999 and how these numbers will be monitored.
- Lack of information on the number of SIA and stewards to be employed and their roles on site. (Numbers of SIA staff have now been considered but a Security Plan is missing).
- Lack of a drugs policy or details of the protocols in place to deal with those caught using/dealing controlled drugs. Details also required on policy regarding legal highs?
- Details of provisions that will be put in place to protect children when using the play area are required and policies regarding it's use.
- Lack of detail provided as to how entry to the bar areas within marquees will be monitored along with details of how customers behaviour will be monitored from within and by who?

29. Police state that the Event Management Plan (EMP) provides few details as to the procedure for the running of bars and that the bar procedure listed from page 23 of the Event Management Plan onwards does not inspire confidence that alcohol will be sold responsibly.
30. Furthermore police state that there is a lack of information about how the bars will be operated; for example, there is no detail regarding the age and experience of bar staff, what drinks will be sold, if polycarbon or plastic vessels will be used exclusively, what training will be given to bar staff, by whom and if a personal licence holder will be present at each bar etc.
31. Additionally, the police objected to the proposed timings of the event and agreement has now been reached in respect of timings as follows:
32. Films – no change to proposed times, no adult films and measures to be taken to ensure that age of viewing audience complies with film certification.
33. Live music on the Monday, Tuesday and Wednesday before the event 18:00 – 23:00
 - Thursday 12:00 – 23:00
 - Friday 11:00 – 00:00
 - Saturday 11:00 – 00:00
 - Sunday 11:00 – 22:00
 - No licensable activities on the 2nd Monday
34. Recorded music on the Monday, Tuesday and Wednesday before the event 12:00 – 23:00
 - Thursday 12:00 – 00:00
 - Friday 11:00 – 01:00
 - Saturday 11:00 – 01:00
 - Sunday 11:00 – 23:59
 - No licensable activities on the 2nd Monday
35. Performance of dance and anything similar on the Monday, Tuesday and Wednesday before the event 12:00 – 23:00
 - Thursday 12:00 – 00:00
 - Friday 11:00 – 01:00
 - Saturday 11:00 – 01:00
 - Sunday 11:00 – 23:59
 - No licensable activities on the 2nd Monday
36. Late night refreshment
 - Thursday 23:00 – 01:00
 - Friday 23:00 – 01:30
 - Saturday 23:00 – 01:30
 - Sunday 23:00 – 23:59

37. Supply of alcohol on the Monday, Tuesday and Wednesday before the event 18:00 – 23:00
- Thursday 12:00 – 01:00
 - Friday 11:00 – 01:30
 - Saturday 11:00 – 01:30
 - Sunday 11:00 – 23:59
 - No licensable activities on the 2nd Monday
38. Hours premises open to the public: Campers – 1st Monday 07:00 – 2nd Monday 17:00
Day ticket holders:
- The applicant no longer wishes to sell day tickets for Thursday
 - Friday 11:00 – 02:00
 - Saturday 11:00 – 02:00
 - Sunday 11:00 – 23:59
39. At a further meeting held on 13 February the police and the applicant agreed a number of conditions. These were subject to further amendment on 23 February 2015. A copy of the agreed police conditions can be found at Appendix E.
40. The Police representation remains outstanding as there are still areas of concern.
41. The NHS initially made a representation once more based on lack of information in respect of medical service provision on site. The applicant has since provided a First Aid Policy which provides sufficient information to address the concerns raised.
42. The Licensing Authority has made two representations (Appendix F) again due to a lack of information within the application. The representation states that it is for the applicant to provide all of the necessary information in order for the responsible authorities to properly assess the event plans and not for the agencies to tell the applicant what is required.
43. Particular concerns have been raised in respect of how the number of people on site at any one time will be calculated and how this information will be made available to agencies. This number must include the number of site crew, paying attendees and guests of the organiser and performers.
44. Concerns have also been raised in respect of the site plan that has been provided in that two site layouts are shown but the supporting documentation does not explain the reasons for this. Furthermore there is no indication as to when a decision will be taken as to which site layout to use and how this information will be circulated to agencies.
45. On 12 February 2015 the Licensing Authority provided another representation after having considered a revised Event Management Plan and a number of policies supplied by the applicant.
46. It is the view of the Licensing Authority that the revised Event Management Plan still lacks important information and that serious consideration should be given to

refusing the application if any of the responsible authorities remain unsatisfied with the event plans.

47. The representation states that the section in the Event Management Plan relating to the control of numbers of people on site is still inadequate despite the organiser having acknowledged the importance of doing so.
48. The Licensing Authority requests that if Members are minded to grant a licence that the following conditions be attached:
 - The licence holder must evidence to the licensing authority and Hampshire Constabulary a robust system for the control of the number of persons present at the event. The system shall include a mechanism for confirming:
 - a. the maximum number of event tickets (including single day admission tickets) and wristbands being made available for sale, or to be supplied, in advance of and during the event;
 - b. the methods by which the event organiser will prevent the total number of persons at the event exceeding the maximum number permitted by this premises licence;
 - c. the means by which, during the event, accurate information about the numbers present shall be provided to all authorities, to include the number of tickets already sold or supplied and (so far as can be known) the number of additional persons (staff, performers etc.) present; and
 - d. the person responsible for providing such information to all authorities.
 - Where prior to the event, the licence holder considers it necessary to amend any provision within the Event Management Plan, attached to this Premises Licence, the proposed amendment must be brought to the attention of representatives of the relevant responsible authority or authorities and the Licensing Department. Such amendment(s) must be approved by all agencies and the plan must then be updated accordingly and re-circulated to all relevant persons.
 - The Licence Holder must comply at all times with all elements of the Event Management Plan, appendices and any other associated documents.

If a premises licence is granted for more than one year the following conditions will need to be applied to the premises licence instead of 2 and 3 above. These will ensure that the Event Management Plan is submitted annually in times to allow all the responsible authorities to assess the plan on a yearly basis.

- For the 2015 years event, where prior to the event, the licence holder considers it necessary to amend any provision within the Event Management Plan, attached to this Premises Licence, the proposed amendment must be brought to the attention of representatives of the relevant responsible authority or authorities and the Licensing Department. Such amendment(s) must be approved by all agencies and the plan must then be updated accordingly and recirculated to all relevant persons.

- For all future years an Event Management Plan must be submitted to the licensing authority no later than one hundred and twenty days prior to the first day of that year's proposed event.
 - Following consultation with all relevant authorities a final Event Management Plan must be submitted to the licensing authority no later than fifty six days prior to the first day of that year's proposed event.
 - Following submission of the final plan as required by the above condition, where the licence holder considers it necessary to amend any provision within the submitted Event Management Plan the proposed amendment must be brought to the attention of representatives of the relevant responsible authority or authorities and the Licensing Department. Such amendment(s) must be approved by all agencies and the plan must then be updated accordingly and recirculated to all relevant persons.
 - The Licence Holder must comply at all times with all elements of the Event Management Plan, appendices and any other associated documents agreed prior to each year's event.
49. The applicant has agreed to the conditions proposed by the Licensing Authority. However their representation remains outstanding as insufficient information has been received with regard to calculating the number of people on site as well as there being a number of unresolved issues with other agencies.

Other Persons

50. Two valid representations have been received from other persons relating to the licensing objectives:
- Prevention of public nuisance
 - Prevention of crime and disorder
 - Protection of children from harm
 - Public safety
51. Island Roads have submitted a representation (Appendix G) stating that this event has not previously taken place at this location and as such the access point to the site is untested.
52. Island Roads state that the Road Traffic Management Plan (Appendix H) is not approved despite the event management plan indicating that it has been. To date the applicant has made no contact with Island Roads in order to discuss arrangements or agree plans despite them having requested that the applicant does so.
53. Island Roads have also indicated that the Traffic Management Plan contradicts itself in that page 8 states that no traffic management other than signage will be required and yet the drawing submitted indicates traffic signals.
54. In principle Island Roads have no objections to the application but they state that the Traffic Management Plan must be finalised, agreed and signed off by the Highway

Authority and Island Roads. They therefore request that any licence granted be conditioned to require a Traffic Management Plan that is signed off six weeks prior to the event and that this is reviewed each year of the three year licence and signed off six weeks prior to the event on each subsequent year.

55. Newport Parish Council has made a representation (Appendix I) on the grounds of the prevention of public nuisance stating that the location is not considered suitable. They state that local residents already suffer extensive inconvenience and loss of amenity during the Isle of Wight Festival.
56. Concerns have been raised that the times proposed for live and recorded music and the supply of alcohol will result in residents experiencing nuisance from noise and loss of amenity due to traffic. Concerns have also been raised regarding a potential threat of anti-social activity.
57. Newport Parish Council suggests that the applicant seeks an alternative site for this event.

FINANCIAL/BUDGET IMPLICATIONS

58. Broadly, Council expenditure on licensing matters, and specifically those administered and enforced through Planning and Regulatory Services, balances income generated from fees.

LEGAL IMPLICATIONS

59. The 28 day consultation period ended on 6 February 2015. Schedule 1 of the Licensing Act (Hearings) Regulations 2005 states that the application must be determined within 20 working days of the end of the consultation period.

National Guidance

60. The Purple Guide to Health, Safety and Welfare at Music and Other Events has been drawn up by the Events Industry Forum in consultation with the UK events industry, including representatives from regional and national Government.
61. The guide aims to help those who organise music or similar events, so that events can run safely. As an employer, the event organiser - whether an individual, collective or local authority - has a general duty to ensure, so far as reasonably practicable, the health, safety and welfare of their employees. They also have a duty to ensure, so far as is reasonably practicable, that others - including volunteers and spectators - are not exposed to risks to their health and safety arising from the operation of the event.
62. The following section from the above guide are considered relevant to this application:

The EMP (sometimes called the safety plan) consolidates information into a single authoritative document. This will vary significantly in size and detail, depending on the scale and complexity of the event. Some of the key components are likely to include:

- an outline of the event – date, location, start/finish time, type of activity or event
- the event safety policy statement detailing the organisation chart and levels of safety responsibility
- an audience profile – who is expected to come and what implications this might have for safety management, such as arrival circulation and exit profiles, expected densities, and the numbers and types of stewards
- a management outline – details of the key management holders and their duties
- details of the event, including venue design, structures, audience profile and capacity, duration, food, toilets, refuse, water, special effects, access and exits, music levels etc
- the transport management plan detailing the parking arrangements, highway management issues and public transport arrangements
- the contingency plan including a major incident plan
- summary of key risk assessments and findings
- site plans

National Guidance

63. The following sections from the national guidance issued under section 182 of the Licensing Act 2003 are considered relevant to this application:
64. Each application on its own merits –
- 1.17 Each application must be considered on its own merits and any conditions attached to licences and certificates must be tailored to the individual style and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed, may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in any individual case.
65. Proportionality
- 10.10 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case by case basis and standardised conditions which ignore these individual aspects should be avoided. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or of the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.
66. Hours of trading
- 10.11 The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas.

The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.

- 10.12 Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.

67. Public nuisance

- 2.18 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.19 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include low-level nuisance perhaps affecting a few people living locally as well as major disturbance affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises.
- 2.20 Conditions relating to noise nuisance will normally concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or more sophisticated measures like the installation of acoustic curtains or rubber speaker mounts. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues.

- 2.21 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where the provisions of the Environmental Protection Act 1990, the Noise Act 1996, or the Clean Neighbourhoods and Environment Act 2005 adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.
- 2.22 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, music noise from premises usually occurs from mid-evening until either late-evening or early-morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. In certain circumstances, conditions relating to noise immediately surrounding the premises may also prove appropriate to address any disturbance anticipated as customers enter and leave.

Implications under the Crime and Disorder Act 1998

68. Members are advised that without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

Human Rights

69. Members are advised that this application must be considered against the background of the implications of the Human Rights Act 1998.
70. There are three convention rights, which need to be considered in this context:

Article 6 - Right to a Fair Trial

In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

It has been held that the fact that there is a right of appeal to the Magistrates' Court from any decision of the Licensing Authority is sufficient to make the Council's licensing system compliant with the convention rights.

Article 8 - Right to Respect for Private and Family Life

Everyone has the right to respect for his private and family life, his home and his correspondence. In the case of article 8 there shall be no interference by a public authority with the exercise of this right except as such in accordance with the law and is necessary on a democratic society in the interests of national security, public safety or the economic wellbeing of the country, for the prevention of disorder and crime, for the protection of health or morals or for the protection of the rights and freedoms of others.

Article 1 - First Protocol Protection of Property

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. In the case of Article 1 of the first protocol it states that “no one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and the general principles of international law. The preceding provisions (of which articles 6 and 8 are but two) shall not however in any way impair the right of the state to enforce such laws as it deems necessary to control the use of the property in accordance with general interest or to secure the payment of taxes or other contributions or penalties”.

71. The Licensing Authority acknowledges the right of businesses in its area to operate, but equally acknowledges the fact that this must be balanced against the rights of residents not to be disturbed by unreasonable noise and nuisance caused by licensed premises. The Sub-Committee needs to be clear as to the rights granted and the need to ensure that the reasons given for any interference are proportionate and in accordance with the Council’s legitimate aim.
72. It is considered that the following paragraphs from the Licensing Authority’s Statement of Licensing Policy 2014 – 2017 have a bearing upon the application. Members’ attention in respect of this particular application is drawn to:

Paragraph 1	Introduction	All
Paragraph 2	Licensing Objectives	All
Paragraph 3	Licensable Activities	All
Paragraph 4	Integration of Strategies and Other Legislation	All
Paragraph 5	Approach to Licensing Applications	All
Paragraph 6	Cumulative Effect	N/A
Paragraph 7	Representations, Reviews, and Appeals	7.1 -7.3 and 7.8 – 7.11
Paragraph 8	Enforcement	N/A
Paragraph 9	Operating Schedules	All

EQUALITY AND DIVERSITY

73. The council as a public body is subject to general and specific duties under equality and diversity legislation and as such has a duty to go beyond prohibition and publish and promote service improvements by engaging with the local community to assess the impact of any decision on the local community. As a requirement under the Equality Act 2010 and further improvements to diversity legislation all local authorities are required to impact assess their services, policies/strategies and decisions with regard to diversity legislation – race, disability, gender, age, sexual orientation and religion/belief. (NB: this list is not exhaustive, it does cover current legislation but future development could also include poverty and social inclusion as an example).

74. There is no requirement for an equality impact assessment to be carried out.

75. OPTIONS

Option 1: Grant the licence as per the application.

Option 2: Grant the licence as per the application with any additional conditions that the Sub-Committee deem reasonable and proportional to promote the licensing objectives.

Option 3: Refuse the whole or part of the application.

RISK MANAGEMENT

76. With regard to Option 1: To grant the licence as per the application may not adequately mitigate the risk to public safety resulting from a poorly organised event. Equally it may not mitigate the risks of crime and disorder from customers of the event or prevent a nuisance arising from regulated entertainment. It may also pose significant risks in respect of the protection of children from harm and public safety should the Sub-Committee deem this to be a likely outcome. The decision not to address the concerns raised may subsequently be appealed by those parties who have made representations.

77. With regard to Option 2: The risk of crime and disorder or nuisance being attributed to the premises could be reduced by attaching conditions to the licence to promote the licensing objectives. Additionally conditions could be imposed to ensure the protection of children from harm and to ensure public safety. Conditions must be appropriate and proportionate. Any decision to attach additional conditions may be appealed by all parties if they believe the conditions do not adequately promote the licensing objectives.

78. With regard to Option 3: If the Sub-Committee decides to refuse all or part of the application, the decision may be appealed by all parties.

EVALUATION

79. Following the meeting between the police and the applicant Newport Parish Council were advised of the revised timings for the proposed event and were also provided with a copy of the agreed police conditions. However they maintain their view that the location for the event is not suitable and consequently their representation still stands.

80. With regard to Option 1: the current documentation does not provide the amount of information required for an application of this type. Responsible authorities have found it very difficult to fully assess the application without this information. The applicant has been directed to associated guidance including publications from the Health and Safety Executive and the Purple Guide to Health Safety and Welfare at music events. They have also had the opportunity to meet with the various agencies in order to obtain advice and guidance but to date required information is still missing.

81. Meetings with some agencies are still ongoing and matters of concern are slowly being addressed. As a result of some of these meetings version 3 of the Event Management Plan has been produced and is attached to this report along with the application at Appendix A.
82. It is likely that further documentation will be produced once this report has been published. Members will be provided with this information at the commencement of the hearing on 5 March 2015.
83. At this time it is the opinion of the Licensing Department that Option 1 is not appropriate.
84. With regard to Option 2: at the time of writing this report the following agencies have agreed conditions with the applicant that will form part of the premises licence if granted; Fire and Rescue, Police and the Licensing Authority. A full list of agreed conditions will be made available to Members at the commencement of the hearing. Despite conditions having been agreed the Police and the Licensing Authority still have concerns and their representations remain outstanding.
85. Children's Services, Fire and Rescue, Trading Standards and the NHS have now withdrawn their representations as either sufficient information has been received to address their concerns or undertakings have been made to produce required documentation within a set timescale.
86. Whilst the agreement of conditions by the applicant shows a willingness to co-operate with the relevant agencies, the production of an event should not be dependant upon the Responsible Authorities making numerous representations about missing information or producing extensive lists of conditions for the applicant to agree. The matters raised by the Responsible Authorities and Island Roads should have been addressed from the outset and formed part of the initial application.
87. It is not for the agencies to tell the applicant how to run the event. It is for the applicant to tell the agencies how they will do this and for the agencies to merely provide advice. The fact that this application has required so much input by the authorities does not instil them with a sense of confidence that the applicant or his team will produce the appropriate documentation.
88. With regard to option 3: it is not considered appropriate to refuse only part of the application as there are still areas of the event plan that have not been fully considered.
89. It is the opinion of the licensing officer that the determination of the licence application should be made based on the information currently supplied and the views of the responsible authorities as to whether the plans are appropriate for the type of event. At the stage of publication of this report Environmental Health, the Licensing authority and the Police have outstanding issues which indicate that the current application and supporting documents do not uphold the licensing objectives.
90. In such circumstances where there is a lack of information and uncertainty in whether the documentation will be received, refusal of the application must be a primary consideration.

91. The sub-committee must have regard to all of the representations made and the evidence it hears as well as the national guidance issued under Section 182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy.
92. The Committee should determine the application in accordance with section 18 of the Licensing Act 2003 and The Licensing Act (Hearings) Regulations 2005 and with a view to promoting the licensing objectives, which are:
 - a. The Prevention of Crime and Disorder
 - b. The Prevention of Public Nuisance
 - c. Public Safety
 - d. The Protection of Children from Harm

RECOMMENDATION

93. Members should determine the application in accordance with section 18 of the Licensing Act 2003 and The Licensing Act (Hearings) Regulations 2005. It is the view of the Licensing Section that based upon the information available at the time of producing this report, Option 3 is appropriate.

APPENDICES ATTACHED

- [Appendix A](#) Application for a premises licence under section 17 of the Licensing Act 2003 and Event Management Plan version 3
- [Appendix B](#) Plan of proposed event site
- [Appendix C](#) Environmental Health representation
- [Appendix D](#) Police representation
- [Appendix E](#) Police conditions
- [Appendix F](#) Licensing Authority representations x 2
- [Appendix G](#) Island Roads representation
- [Appendix H](#) Road Traffic Management Plan
- [Appendix I](#) Newport Parish Council representation

BACKGROUND PAPERS

- Isle of Wight Council Licensing Authority Statement of Licensing Policy 2014 – 2019: <http://www.iwight.com/azservices/documents/1226-Statement-of-Licensing-Policy-2014-2019-Adopted-v1.pdf>

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