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My Ref: **08/00300/LANPRE**

Your Ref:

Friday, 16 May 2008

PUBLIC NOTICE

MEETING: LICENSING SUB-BOARD

DATE: 3RD JUNE 2008

TIME: 09:30

VENUE: EXPLOSION MUSEUM OF
FIRE POWER PRIDDYS HARD
HERITAGE WAY GOSPORT
PO12 4LE

SENIOR LICENSING OFFICER: RUSSELL BRAY

BOROUGH SOLICITOR

MEMBERS OF THE SUB-BOARD

Councillor MRS CULLY

Councillor MR SMITH

Councillor MR CARTER

Councillor MRS SEARLE (SUB)

Councillor MS BALLARD (SUB)

Councillor MR BURGESS (SUB)

FIRE PRECAUTIONS

(To be read if members of the public are present)

In the event of the fire alarm (continuous ringing), please leave the room immediately. Follow any of the emergency exit signs as directed by GBC or Explosion Museum staff. People with disability or mobility issues please identify yourself to GBC staff or Explosion Museum staff who will assist in your evacuation of the building.

AGENDA

1. APOLOGIES FOR NON-ATTENDANCE

2. DECLARATIONS OF INTEREST

All Members present are required to declare, at this point in the meeting or as soon as possible thereafter, any personal or personal and prejudicial interest in any item(s) being considered at this meeting.

3. TO CONSIDER APPLICATIONS RECEIVED (copies attached)

Application: Premises Licence
Premises: Gosport Borough Council
Address: Arena Area
Stokes Bay Road
Gosport
Hampshire

Reference: 08/00300/LANPRE

IMPORTANT NOTICE:

- The Summons, Agenda and accompanying Reports can be provided in large print, in Braille or in other languages on request
- If you are in a wheelchair or have difficulty in walking and require access to the venue on the First Floor of the Town Hall for this meeting, assistance can be provided by Town Hall staff on request.

If you require any of the services detailed above please ring Russell Bray on 023 9254 5553.

GOSPORT BOROUGH COUNCIL

REPORT TO THE:	LICENSING SUB-BOARD
MEETING DATE:	3RD JUNE 2008
REPORT OF:	ENVIRONMENTAL SERVICES MANAGER
APPLICATION:	APPLICATION FOR A PREMISES LICENCE – THE ARENA AREA, STOKES BAY, GOSPORT. APPLICATION REFERENCE NUMBER 08/00300/LANPRE

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MEETING DATE:	3RD JUNE 2008
REPORT OF:	ENVIRONMENTAL SERVICES MANAGER
APPLICATION:	APPLICATION FOR A PREMISES LICENCE – THE ARENA AREA, STOKES BAY, GOSPORT. APPLICATION REFERENCE NUMBER 08/00300/LANPRE

1.0 APPLICATION

1.2 Summary of application

The application is for a Premises Licence to permit:

the sale of alcohol,
the provision of late night refreshment,
the provision of regulated entertainment.

All of these activities are limited to four days between 1st June and the 31st October in any year.

1.3 The application which details the full extent of the licensable is attached to this report as Appendix A. Table 1 of this report summarises the Licensable activities. The table identifies licensable activities taking place on seven days of the week this is to provide for any 4 days in a week being utilised under the licence which restricts licensable activities to four days in total.

1.4 Before an application for a Premises Licence can be entertained by a Local Authority it must be satisfied that the applicant has complied with the requirements of the Licensing Act 2003, regulations as to the advertisement of applications and the requirement to give notice of the application to each Responsible Authority.

- i) Responsible authorities include the Chief Officer of Police for the local area and the Fire Service. The regulations require the applicant to give notice by giving each Responsible Authority a copy of the application on the same day that the application is given to the relevant local authority.
- ii) The applicant must for a period of 28 consecutive days starting on the day after the day on which the application was given to the relevant licensing authority the applicant must advertise the application by notice displaying the following information:

- The name of the applicant.

- The postal address of the premises or if there is no postal address for the premise a description of those premises sufficient to enable the location and extent of the premises to be identified.
- The postal address where applicable the World Wide Web address where the register of the relevant licensing authority is kept and where and when the record of the application may be inspected.
- The date by which an interested party or responsible authority may make representations to the relevant licensing authority
- That representations shall be in writing
- That it is an offence to knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence.

The notice must be:

- Of a size equal to or larger than A4
- Of pale blue colour
- Printed legibly in black ink or typed in black in a font of a size equal to or larger than 16.

The notice must be displayed prominently on the premises to which the application applied where it can be conveniently read from the exterior of the premises. In the case of a premise covering more than 50square meters further notices in the same form must be provided every 50 meters along the external perimeter of the premises abutting any highway.

In addition a notice must be placed in a local newspaper on at least one occasion in the period of 10 working days starting on the day after the day on which the application was given to the relevant licensing authority.

1.5 Guidance issued under section 182 of the Act by the Secretary of State encourages local authorities to licence public open spaces.

“13.72 To ensure that cultural diversity thrives, local authorities should consider establishing a policy of seeking premises licences from the licensing authority for public spaces within the community in their own name. This could include, for example, village greens, market squares, promenades, community halls, local authority owned art centres and similar public areas. Performers and entertainers would then have no need to obtain a licence or give a temporary event notice themselves to enable them to give a performance in these places. They would still require the permission of the local authority as the premises licence holder for any regulated entertainment that it was proposed should take place in these areas. DCMS has established a Register of Local Authority Licensed Public Spaces in England in Wales”.

2.0 BACKGROUND INFORMATION.

- 2.1 Gosport Borough Council (the “Applicant”) has applied for a Premises Licence for the area identified in the plan that forms part of the application and identified as the Stokes Bay Arena in Stokes Bay Road/Military Road (“Site”). The Licensing Act 2003 has superseded the previous licensing regimes relating to the sale of Alcohol and the provision of entertainment. Under the Licensing Act a single licence, which may be subject to conditions is provided to premises. If granted the licence will permit the Applicant or third parties to whom the Applicant has given permission to use the Site for the sale of alcohol, the provision of regulated entertainment and late night refreshment. The application is self limiting in that it requests the licence to carry out these activities on 4 days between the 1st June and the 31st October in any year.
- 2.2 The Licensing Act 2003 placed upon district authorities the function of “Licensing Authority” with sole responsibility within their district to administer the Licensing Act 2003. As the application relates to a Site within the area of the Borough of Gosport, Gosport Borough Council is the Relevant Licensing Authority for the purposes of Section 12(2) Licensing Act 2003. Therefore in accordance with Section 17(1) the application for a premises licence must be made to and determined by the Council in its capacity as the Relevant Licensing Authority. In discharging this function the Council must have regard to the promotion of the Licensing Objectives, i.e. Prevention of Crime and Disorder, Public safety, Public nuisance and the Protection of Children from harm. In considering any application the Council will have regard to the guidance issued from time to time by the Secretary of State and its own Statement of Licensing Policy.

3.0 PROMOTION OF LICENSING OBJECTIVES

- 3.1 The operating schedule submitted by the applicant identifies general measures to promote the licensing objectives, these are:

3.2 General.

The uses of the Site for 4 days in a calendar year.
The submission by event organisers of an Event Management plan unique to each event proposed to be agreed in advance of any event taking place.
Third parties hiring the Site will be required to provide £10 million in public liability insurance and fully indemnify the Council against any risk in connection with use of the site.

3.3 Prevention of Crime and Disorder.

Site Security personnel will be required where the need for such is identified.

3.3 Public Safety

The provision of a safety plan as part of the Event Management plan to be agreed by the Council, Safety Advisory Group (which is multi disciplinary and included officers from external regulating bodies)..

Safety checks will be carried out on all structures erected on the Site.

First aid will be provided as indicated by risk assessment.

A site evacuation plan will be prepared.

A traffic management plan will be prepared for each event.

A responsible person will be identified for each event.

The approved event management plan will be in place 28 days prior to any event taking place.

3.4 Prevention of Public Nuisance.

Events will only take place on four days between 1st June and the 31st October in any calendar year.

All music events will cease at 23:00.

Events will be supervised by stewards and Security Industry Authority approved security staff.

Noise monitoring will be undertaken in accordance with the event management plan.

Risk assessments will be undertaken for all events to identify steps to be taken to avoid public nuisance.

3.5 Protection of children from harm.

The event management plan for any event must identify the potential of harm to children and identify the necessary monitoring activities and procedures to address the issues identified.

4.0 ADVERTISEMENT AND SERVING NOTICE REQUIREMENT.

- 4.1 Notices were placed around the perimeter of the site on Friday 14th March and maintained for 28 consecutive days and a notice was placed in the Portsmouth News on Tuesday 18th March 2008. The Council is satisfied that the Application has satisfied the said requirements so it can determine the application before it

5.0 RESPONSIBLE AUTHORITIES

- 5.1 As part of the representation process copies of the application have been lodged with the "Responsible Authorities" for consideration. These comprise Hampshire Constabulary, Hampshire Fire and Rescue Service, Hampshire Social Services Department and Hampshire Trading Standards Department. Within the Council the following specialist departments have also been notified in their capacity as Responsible Authorities: Environmental Health (health and safety, nuisance), and Development Control.

- 5.2 Representations have been received from three of these organisations, Hampshire Constabulary, Hampshire Fire and Rescue and Environmental Health (Health and Safety).
- 5.3 **Hampshire Constabulary** has made representation under all four of the licensing objectives. In order to address these concerns Hampshire Constabulary have provided specific conditions that they would seek to be incorporate into any licence issued in respect of this application. The representation from Hampshire Constabulary including proposed additional conditions is provided in full as Appendix B.
- 5.4 **Hampshire Fire and Rescue Service** have made a representation that may be considered under the licensing objective of Public Safety. The representation raises concerns over the suitability of the Site. Specifically the representation highlights concerns over access for emergency vehicles and difficulties in providing suitable fire fighting facilities especially an adequate supply of water for fire fighting purposes. The representation requires a fire safety plan to be agreed by the Fires and Rescue authority to be provided. The plan must identify mean of escape from the Site, access and facilities for disabled persons with particular reference to the difficult terrain, fire alarms, fire fighting provision and emergency lighting.
- 5.5 The representation received from the Hampshire Fire and Rescue Service is provided in full as Appendix C. The requirements identified in the representation can be incorporated into the premises licence as conditions to address the concerns of the fire authority. In view of the limited nature of the licence, requirements to provide site access may be substituted with conditions offered by the fire authority relating to site layout. These would require:
- all structures on the site to be within 50 meters of Military Road / GAFIRS car park
 - Means of access must be provided at 50 meter intervals along any fence line bordering Military Road / GAFIRS car park to facilitate fire fighting access.
 - An adequate supply of water for fire fighting purposes must be provided.
 - Military Road and the parking bays in the GAFIRS car park immediately adjacent to the site must be kept free from obstruction for the duration of the event.
 - The operation of the site must comply with relevant fire safety legislation and guidance.

This would be accordance with the representation received and address the concerns of the Fire and Rescue Authority.

- 5.6 The representation received from the Environmental Services Department relates to Public Safety. The representation raises specific concerns over the suitability of the site with reference to traffic movements posing a hazard to pedestrians, access across the site for disabled persons and the ability to provide adequate emergency exits due to the Site being surrounded by earth

banks. The representation identifies measures in relation to the management plan and specific measures to address these concerns. These measures can be incorporated into the Premises Licence as conditions to address these concerns. The representation received from Environmental Health (Health and Safety) is provided as Appendix D

6.0 INTERESTED PARTIES

6.1 85 written representations to the application have been received from local residents and interested parties. Two of these are in support of the application the remainder are objections. The representations make reference to the licensing objectives as well as other matters. The Licensing Board can only consider those matters pertinent to the licensing objectives.

6.2 The following is a summary of the concerns raised in the representations:

6.2.1 Crime and disorder

Concerns that the number of people attracted to events raises the risk of vandalism to local property.
Misuse of drink or drugs leading to public disorder
Concerns over persons attending events mixing with residents on the beach.
“Yobs” and other undesirables attracted to the site.
Trespassing on neighbouring premises.
Travellers gaining access to the site.
Policing difficulties due to lack of resources.

6.2.2 Public Nuisance

Concerns over noise nuisance from amplified music and public address systems.
General noise levels from the event that will finish at 23:00.
Traffic congestion and problems arising from parking in the surrounding area.
Increased traffic volumes leading to air pollution.
Littering of the site especially from glass which may pose a problem after the event.
Inadequate public sanitation during the event.
A general concern that events on the scale proposed would be a nuisance to residents.

6.2.3 Public Safety

Event will become a “free for all” due to a lack of control by organisers.
The site is too small for the proposed numbers attending events.
The event will compromise access to GAFIRS.
Access to alcohol will raise safety concerns, especially to people consuming alcohol and then swimming.
The likely levels of traffic pose a risk to pedestrians on and off of the site.

6.2.4 Protection of Children.

Underage drinking.

A lack of suitable road crossings in the area.

6.3 Included in the written representations are letters from the Friends of Stokes Bay and the Gosport and Fareham Inshore Rescue Service. The Friends of Stokes Bay cite concerns regarding nuisance through loss of amenity during the event to users of the area and traffic congestion as their grounds for objection. A number of representors have requested that a representative from the Friends of Stokes Bay address the Licensing Board on their behalf.

6.4 The representation from GAFIRS can be considered under Public Safety. The representation expresses concerns over access to the GAFIRS HQ which is required on an uninterrupted basis twenty four hours of the day. Any obstruction in Military Road would compromise this requirement. GAFIRS have suggested conditions to ensure that Military Road and the surrounding area is kept free of parked vehicles so as not to impede access and a means of communication to festival organisers be provided.

6.5 All of the representations received are provided as Appendix E to this report.

7.0 **POLICY CONSIDERATIONS**

7.1 The following provisions of the Licensing Act 2003 apply to this application:

Part 1, Section 1 Licensable Activities.

Part 3 Premises Licences. Section 11, 13, 14, 16, 17, 18 & 19.

7.2 The following provisions of the Secretary of State's guidance apply to this application:

Chapter 1, Introduction and purpose.

Chapter 2, the licensing objectives

Chapter 3, Licensable Activities, paragraphs 3.1, 3.8, 3.9, 3.10, 3.32

Chapter 5, Who needs a premises licence, paragraph 5.26 "large scale temporary events requiring premises licences"

Chapter 8, Applications for premises licences.

Chapter 9, Determining applications.

Chapter 10, Conditions attached to premises licenses and club premises certificates.

Chapter 12, Appeals.

Chapter 13, Statements of licensing policy.

Appendix D, Pool of conditions.

7.3 The following paragraphs of the this authorities statement of licensing policy apply to this application:

2.1 Introduction

2.6 Licensing Objectives

2.9	Integration of Strategies
2.17	Other controls on anti social behaviour.
2.20	Licensing hours
2.22	Conditions
2.23	Live music, dancing and theatre
2.30	Objections/Review hearings
3.18	Premises licences
4.1	Prevention of crime and disorder [appendix B]
4.3	Public Safety [Appendix C]
4.4	Prevention of public nuisance [Appendix D].
4.5	Protection of children [Appendix E].

8.0 OFFICERS' OBSERVATIONS

8.1 The Board has to determine this application with a view to promoting the licensing objectives, which are:

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

8.2 In making its decision the Board is also obliged to have regard to the national guidance and this Authority's Statement of Licensing Policy. The Board must have regard to the representation received from the relevant authorities and local residents.

8.3 Representations received from the responsible authorities include suggested conditions that may be incorporated into any licence the Board is minded to grant.

8.4 The Board must take such of the following steps it considers necessary to promote the licensing objectives:

- i. Grant the application as submitted; or
- ii. Modify the conditions of the licence by alteration or addition; or
- iii. Reject the whole or part of the application.

8.5 Decisions made under ii or iii above might actually be necessary to promote the licensing objectives. In seeking to identify additional relevant conditions the Licensing Sub Board may wish to refer to the pool of conditions provided by the Secretary of State in guidance, the Councils adopted pool of conditions and those conditions identified/suggested by the responsible authorities.

9.0 LICENCE CONDITIONS

9.1 Mandatory Conditions

9.1.1 **Section 19 - Where licence authorises supply of alcohol**

(I) No supply of alcohol may be made under the premises licence –

at any time when there is no designated premises supervisor in respect of the premises licence. or

at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

(ii) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

9.1.2 **Section 21 - Mandatory Condition: Door Supervision**

(1) Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Security Industry Authority.

(2) But nothing in subsection (1) requires such a condition to be imposed:

(a) In respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with licences authorising plays or films), or

(b) In respect of premises in relation to:

(i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or

(ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

(3) For the purposes of this section:

(a) “security activity” means an activity to which paragraph 2 (1)(a) of that Schedule applies, and

(b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

If the application to vary the licence is granted the Sub-Board may wish to consider the following conditions to reflect the operating schedule.

9.1.3 **Section 20 - Mandatory Condition: Exhibition of Films**

(1) Where a premises licence authorises the exhibition of films the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

(2) Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

(3) Where:

- (a) The film classification body is not specified in the licence,
-or
- (b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question.

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

(4) In this section:

“children” means persons aged under 18; and
“film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

9.2 Embedded Conditions:

Those conditions embedded in the Children and Young Persons Acts 1933 and the Cinematograph (Safety) Regulations 1955.

9.3 New licence conditions.

9.3.1 Retail sale of alcohol

That the hours the premises may open for the sale of alcohol shall be as described in part M of the operating Schedule.

9.3.2 Regulated entertainment

That the hours the premises may open for regulated entertainment shall be as described in parts A, B, E, F, G, H, I, J and K of the operating schedule.

9.3.3 Provision of late night refreshment.

That the hours the premises be open for the provision of late night refreshment shall be as described in part L of the operating schedule.

9.3.4 Crime and Disorder

Site Security personnel will be required where the need for such is identified.

9.3.5 Public Safety

The provision of a safety plan as part of the Event Management plan to be agreed by the Gosport Borough Council, Safety Advisory Group (which is multi disciplinary and included officers from external regulating bodies)..

Safety checks will be carried out on all structures erected on the site.
First aid will be provided as indicated by risk assessment.
A site evacuation plan will be prepared.
A traffic management plan will be prepared for each event.
A responsible person will be identified for each event.
The approved event management plan will be in place 28 days prior to any event taking place.

9.3.6 Public Nuisance

Events will only take place on a total of four days between 1st June and the 31st October in any calendar year.
All music events will cease at 23:00.
Events will be supervised by stewards and Security Industry Authority approved security staff.
Noise monitoring will be undertaken in accordance with the event management plan.
Risk assessments will be undertaken for all events to identify steps to be taken to avoid public nuisance.

9.3.7 Protection of Children from Harm

The event management plan for any event must identify the potential of harm to children and identify the necessary monitoring activities and procedures to address the issues identified.

9.3.8 Suggested Additional Conditions.

See paragraph 7.5 and Appendices B, C and D. The Licensing Board may attach additional conditions that it deems appropriate to the application.

10.0 **OTHER CONSIDERATIONS**

10.1 The Crime and Disorder Act 1998 places a duty on the Authority to exercise its functions with due regard to the likely effect of the exercise of its functions on, and the need to do all it reasonably can to prevent crime and disorder in its area. The prevention of crime and disorder is one of the licensing objectives and is a matter that the Authority must take into account when making its decision on the license application.

10.2 The Human Rights Act 1998 applies this guarantees the right to a fair hearing for all parties in the determination of their civil rights. The hearing procedure satisfies this requirement and in addition there are rights of appeal given to applicants and those making representations against the Licensing Authority's decision to the Magistrates Court. The licence is deemed to be a possession and therefore Article 1 of the First Protocol is engaged and this provides that no-one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law.

10.3 Article 8 of the Convention states that there is a right to a respect of family life and that a public authority should not interfere with this except in accordance with the law, in the interests of national security, economic well being, prevention of crime and disorder, protection of health or morals or for protection of the rights and freedom of others. The concerns of the individual representors should therefore be considered.

11.0 ASSOCIATED PAPERS

The Sub-Board's attention is drawn to the following associated papers that are attached.

11.1 APPENDICES

- A Application
- B Hampshire Constabulary representation and suggested licence conditions.
- C Hampshire Fire and Rescue representation and suggested conditions.
- D Gosport Borough Council, Environmental Services representation (Health and Safety).
- E Written representations from residents and other interested parties.

Plan of the premises.

Table 1 digest of current and requested licensing activities and hours.

Contact/Lead Officer

For further information please contact T Dagens 02392 545516
or email dageth01@gosport.gov.uk

TABLE 1 – PROPOSED LICENSING ACTIVITIES AND HOURS

	Hours
M Sale of Alcohol	Monday – Sunday 11:00 22: 45
Regulated Entertainment:	
A Plays	Monday – Saturday 10:00 – 23:00 Sunday 11:00 – 23:00
B Films	Monday – Saturday 10:00 – 23:00 Sunday 11:00 – 23:00
E Live Music	Monday – Saturday 10:00 – 23:00 Sunday 11:00 – 23:00
F Recorded Music	Monday – Saturday 10:00 – 23:00 Sunday 11:00 – 23:00
G Performances of Dance	Monday – Saturday 10:00 – 23:00 Sunday 11:00 – 23:00
H Anything similar to live or recorded music	Monday – Saturday 10:00 – 23:00 Sunday 11:00 – 23:00
I Making Music	Monday – Saturday 10:00 – 23:00 Sunday 11:00 – 23:00
J Dancing	Monday – Saturday 10:00 – 23:00 Sunday 11:00 – 23:00
K Provisions similar to I or J	Monday – Saturday 10:00 – 23:00 Sunday 11:00 – 23:00
L Provision of late night refreshment	Monday – Sunday 23:00 – 23:30
O Hours open to the public. NB not necessarily for licensable activities	Monday – Sunday 09:00 – 00:00