

**BABERGH DISTRICT COUNCIL**

<b><u>FROM:</u> HEAD OF NATURAL AND BUILT ENVIRONMENT</b>	<b><u>REPORT NUMBER:</u> L34</b>
<b><u>TO:</u> LICENSING SUB-COMMITTEE</b>	<b><u>DATE OF MEETING:</u> 30 June 2011</b>

**LICENSING ACT 2003 - HEARING REPORT**

**1. PURPOSE OF REPORT**

1.1 To report information to assist with the determination of an application under the Licensing Act 2003 made by:

**Big Wheel Promotions Ltd**

In respect of:

**Harvest@Jimmy's 2011 (festival of food and music), Jimmy's Farm, Pannington Hall Lane, Wherstead, IPSWICH IP9 2AR**

The hearing is to determine an application submitted on 11<sup>th</sup> May 2011 for the grant of a NEW time-limited premises licence (application ref: LA03/006607) made under section 17 of the Licensing Act 2003. A complete copy of the application and associated paperwork is attached as **Appendix A**.

1.2 Generally, the application is seeking a time-limited premises licence authorisation for 9<sup>th</sup> to 12<sup>th</sup> September 2011 only for the annual 'Harvest@Jimmy's' festival. The festival is now in its third year and has increased in scale and scope year on year, with this year's event expected to reach a maximum capacity of 12,500 persons – around 50% of whom will be camping over the weekend of the event. The venue is a working farm and the frequency and scale of licensable events and operation at the farm has increased in the past couple of years.

**2. RECOMMENDATIONS**

2.1 The sub-committee must, having regard to relevant representations made, take such of the steps below (if any) as it considers necessary for the promotion of the licensing objectives:

- to grant the licence subject to conditions which are consistent with the operating schedule accompanying the application - modified to such extent as the authority considers necessary for promotion of the licensing objectives - and subject to any mandatory condition(s) which must be included in the licence;
- to exclude from the scope of the licence any of the licensable activities to which the application relates;
- to refuse to specify a person in the licence as the premises supervisor; or
- to reject the application.

For these purposes conditions of the licence are *modified* if any of them are altered or omitted or any new condition is added.

The sub-committee is able to determine this application.

### **3. FINANCIAL IMPLICATIONS**

- 3.1 Statutory fees as prescribed by Regulation apply to Licensing Act 2003 processes. Any party may appeal a decision taken by the Licensing Authority, which carries a potential cost/resource impact.

### **4. RISK MANAGEMENT**

- 4.1 None, other than those that inherently apply to the Licensing Authority when carrying out its licensing functions.

### **5. CONSULTATIONS**

- 5.1 Statutory consultation requirements apply to individual licence applications – see 'Key Information' paragraph 8.10 below.

### **6. EQUALITY AND DIVERSITY IMPACT**

- 6.1 None.

### **7. SHARED SERVICE / PARTNERSHIP IMPLICATIONS**

- 7.1 None.

### **8. KEY INFORMATION**

- 8.1 This hearing is necessary to determine an application following receipt of relevant representations which have not been withdrawn. The licensing authority must carry out its functions under the Act with a view to promoting the licensing objectives, which are:

- (a) the prevention of crime and disorder;
- (b) public safety;
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm

- 8.2 In carrying out its licensing functions, the Licensing Authority must have regard to its Statement of Licensing Policy published under section 5 of the Act, and any guidance issued by the Secretary of State under section 182.

- 8.3 The sub-committee will also be aware of Human Rights Act 1998 considerations - specifically Article 6 for the applicant and Articles 8 and 1 of Protocol 1 for those raising representations - when determining applications for the grant of a new licence.

### **APPLICATION DETAIL**

- 8.4 This application (ref:LA03/006607) is made under section 17 of the Licensing Act 2003 Act and is seeking the grant of a new time-limited premises licence for Harvest@Jimmy's event 2011, to take place in marquees and the open air between 9<sup>th</sup> and 12<sup>th</sup> September 2011. The Designated Premises Supervisor for the event is Mr Mark Philip Hatch (personal licence holder HPKP/PA0539 with High Peak Borough Council in Derbyshire).

- 8.5 The farm itself has its own separate premises licence (number BPL0339) for its off-sales and restaurant operation, but this can not authorise festival events of this nature - hence this type of event is applied for separately on a time-limited basis and normally the event organiser will apply rather than the farm management.
- 8.6 The event is described as a 'food-led, family oriented festival'. Celebrity chefs/food critics, including James Martin and Richard Corrigan, will comprise equal billing along with live music artists such as The Feeling, Eliza Doolittle and Radio 1 DJ's. There will also be children's activities and entertainments including the Gruffalo and Children's Cookery School. Since 2010 camping has been facilitated at the event and the organisers anticipate around 6000 campers over the weekend. For 2011, a second Harvest branded event is being held simultaneously in Oxfordshire and some of the artists/management may be involved with both events over the course of the weekend.
- 8.7 This is the third year of the Harvest event at Jimmy's Farm and it is the third different organiser/application agent. Therefore, coupled with the evolution of the event, a degree of continuity and consistency in approach to the licensing and event management process has not been possible. This year an experienced events management company EnTEEntainments Ltd are being used with specialist and similarly well-experienced contractors being used for health and safety (AD Health & Safety), traffic management (CTM Ltd) and noise/sound control (Vanguardia) aspects of the event.
- 8.8 The application proposes the following licensable activities/timings:

<b>Friday 9<sup>th</sup> September 2011</b>	Plays, films, recorded music, performances of dance, anything similar to live or recorded music or dance, provision of facilities for making music, dancing and similar	12:00hrs until 02:00hrs
	Live music	12:00hrs until 00:00hrs (not in open air after 23:00hrs)
	Supply of alcohol for consumption ON and OFF the premises	12:00hrs until 01:30hrs
	Late night refreshment	23:00hrs until 05:00hrs
<b>Saturday 10<sup>th</sup> September 2011</b>	As for Friday but all activities to commence at 11:00hrs (except Late night refreshment)	
<b>Sunday 11<sup>th</sup> September 2011</b>	As for Friday but all activities to commence at 11:00hrs (except Late night refreshment) and all activities to cease by 00:00hrs except supply of alcohol (01:30hrs) and Late night refreshment (05:00hrs)	
<b>Monday 12<sup>th</sup> September 2011</b>	No activities except supply of alcohol for consumption ON and OFF the premises from 11:00hrs until 18:00hrs	

Overall, it is proposed that the festival site will be open to the public from midday of Friday 9<sup>th</sup> September 2011 until 18:00hrs on Monday 12<sup>th</sup> September 2011. Those attendees not camping will be off-site overnight.

- 8.9 The licence applicants, Big Wheel Promotions Ltd, are proposing various steps in their operating schedule to promote the licensing objectives – see section P (pages 19-22) of **Appendix A**. The responsible authorities have been in some quite involved and technical discussions with the applicant, their solicitor and event management team in an attempt to agree additional or amended controls on the premises licence and as part of the overall Event Management Plan. This has not been completed during the statutory licensing application timeframe. It should also be noted that the event will be subject to scrutiny from the Suffolk Event Safety Advisory Group (SESAG) – a multi-agency advisory group recently established and led by emergency planning to assist with safety and wellbeing at larger scale temporary outdoor events. Albeit sharing some common objectives, this is separate to the licensing process.
- 8.10 The statutory advertisements required under the Act have been published and displayed. The newspaper advertisement of the application appeared in the East Anglian Daily Times on 16<sup>th</sup> May 2011. The following consultees, as Responsible Authorities under the 2003 Act, have each been served with a copy of the application and any supporting documentation:

RESPONSIBLE AUTHORITY:	RESPONSE:
1. Chief Officer of Police	<b>REPRESENTATION RECEIVED 06.06.2011</b>
2. Local Fire Authority	No representation or comments received
3. Health and Safety Executive/Local Authority for enforcing Health and Safety at Work etc. Act 1974	<b>REPRESENTATION RECEIVED 07.06.2011</b>
4. Environmental Protection	<b>REPRESENTATION RECEIVED 07.06.2011 (public nuisance elements since agreed via mediation process on 09.06.2011)</b>
5. Local Planning Authority	No representation or comments received other than an advisory on Planning matters.
6. Area Child Protection Committee	<b>AS PER CHIEF OFFICER OF POLICE. REPRESENTATION RECEIVED 06.06.2011</b>
7. Any other Licensing Authority	Not applicable
8. Trading Standards	No representation or comments received
9. Environmental Agency/British Waterways Board/Maritime and Coastguard Agency	Not applicable

8.11 Representations have been received during the statutory period from ‘interested parties’ as defined by the 2003 Act:

- Mr & Mrs Spencer Deakin, 43 The Street, Belstead, IPSWICH IP8 3LY

A copy of each representation is attached at **Appendix B**, and also details of any agreements reached on modified operating schedule steps to promote the licensing objectives are attached as part of **Appendix B**.

9. **APPENDICES**

Title	Location
(A) New premises licence application 006607	Attached
(B) Representations and any mediation agreements	Attached
(C) Site plan (showing <i>approximate</i> location of Interested Parties)	Attached

10. **BACKGROUND DOCUMENTS**

10.1 None

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