

LICENSING ACT 2003

Sections 17, 18(3) and (4), 19, 19A, 21, and 23(1)(a), (2) and (4) and Regulation 9 Licensing Act 2003 (Hearings) Regulations 2005/44

NOTIFICATION OF GRANT OF APPLICATION FOR A PREMISES LICENCE WHERE RELEVANT REPRESENTATIONS WERE MADE

PREMISES: The Henley Showground (The Legends Festival), Marlow Lane, Henley-on-Thames, RG9 3AP

To:

The Applicant - Starlight Concerts Live (Entertainment) Ltd
Any Persons who made Relevant Representations
The Chief Constable of Thames Valley Police

Take Notice

THAT following a hearing of the Licensing Sub-Committee

ON 10th June 2021

BUCKINGHAMSHIRE COUNCIL as the Licensing Authority for the Premises

HAS AGREED

TO GRANT A PREMISES LICENCE SUBJECT TO the mandatory and other conditions set out in Schedules 1, 2 and 3 below.

SCHEDULE 1

Mandatory Conditions

MANDATORY CONDITIONS SPECIFIED BY THE LICENSING ACT 2003

For the purposes of this schedule:

“the Act” means the Licensing Act 2003

“Disability” has the meaning given in section 6 of the Equality Act 2010

“Relevant Premises” has the meaning given in paragraphs (a) and (b) of the definition in section 159 of the Act

“Responsible Person” has the meaning given in paragraphs (a) and (b) of the definition in section 153(4) of the Act (the relevant parts of which are attached to this licence)

S19 of the Licensing Act 2003 – Supply of Alcohol

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

- a. At a time when there is no designated premises supervisor in respect of the premises licence; or
- b. At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

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

S21 of the Licensing Act 2003 – 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, each such individual must:
 - a. be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
 - b. be entitled to carry out that activity by virtue of section 4 of that Act.
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 (premises with premises 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 which is licensable conduct for the purposes of that Act (see section 3(2) of that Act), 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.

MANDATORY CONDITIONS SPECIFIED BY THE LICENSING ACT 2003 (MANDATORY LICENSING CONDITIONS) ORDER 2010 AS AMENDED BY THE LICENSING ACT 2003 (MANDATORY CONDITIONS) (AMENDMENT) ORDER 2014

Mandatory Condition 1

1. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
2. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:-
 - a. games or other activities which require or encourage, or are designed to require or encourage, individuals to:
 - i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - ii. drink as much alcohol as possible (whether within a time limit or otherwise);
 - b. provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - c. provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - d. selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - e. dispensing alcohol directly by one person into the mouth of another (other than where that person is unable to drink without assistance by reason of disability).

Mandatory Condition 2

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

Mandatory Condition 3

1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

2. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
3. The policy must require individuals who appear to the responsible person to be under 18 years of age (or older age as may be specified in the policy) to produce on request, before being served with alcohol, identification bearing their photograph, date of birth and either:-
 - a. a holographic mark, or
 - b. an ultraviolet feature.

Mandatory Condition 4

The responsible person must ensure that:-

- a. where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:-
 - i. beer or cider: ½ pint;
 - ii. gin, rum, vodka or whiskey: 25 ml or 35 ml; and
 - iii. still wine in a glass: 125 ml
- b. these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- c. where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

MANDATORY CONDITIONS SPECIFIED BY THE LICENSING ACT 2003 (MANDATORY CONDITIONS) ORDER 2014

Mandatory Condition 5

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1:-
 - a. “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - b. “permitted price” is the price found by applying the formula –

$$P=D + (DxV)$$
 where
 - i. P is the permitted price;

- ii. D is the amount of duty chargeable in relation to the alcohol as if the duty charged on the date of the sale or supply of the alcohol, and
 - iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - c. “relevant person” means, in relation to premises in respect of which there is in force a premises licence:-
 - i. the holder of the premises licence,
 - ii. the designated premises supervisor (if any) in respect of such a licence, or
 - iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - d. “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - e. “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph (2) would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

SCHEDULE 2

Conditions consistent with the Operating Schedule submitted by the Applicant

Licensable Activities

Hours premises are open to the public	Friday	16.00-23:00
	Saturday	12.00-23.00
	Sunday	12.00-23.00
Retail Sale of Alcohol (on the premises only)	Friday	16:00-23:00
	Saturday	12.00-23.00

	Sunday	12.00-23.00
Exhibitions of Films (Outdoor)	Friday	16.00-23.00
	Saturday	12.00-23.00
	Sunday	12.00-23.00
Provision of Live Music (outdoors)	Friday	16.00-23.00
	Saturday	12.00-23.00
	Sunday	12.00-23.00
Provision of Recorded Music (outdoors)	Friday	16.00-23.00
	Saturday	12.00-23.00
	Sunday	12.00-23.00
Provision of Performances of Dance (outdoors)	Friday	16.00-23.00
	Saturday	12.00-23.00
	Sunday	12.00-23.00

The prevention of crime and disorder

- SIA Licensed Staff and Event Marshals shall control and monitor all areas of the site. This includes providing security, monitoring access and exits points, removing individuals who pose a risk to the public and any reasonable matters to promote the licensing objectives.
- Event staff shall remain on site overnight to maintain site security and safety.
- SIA security staff shall operate bag search procedures adopted to identify and confiscate drugs, weapons and any prohibited items. There shall be a zero tolerance policy in relation to drugs at the site. Drugs seized shall be stored securely and handed to the Police.
- Behaviour on site shall be monitored. Any person behaving inappropriately shall be spoken to and warned about their behaviour. If attendees persistently behave inappropriately, they shall be ejected from the site. A list of evicted people shall be maintained and provided on request to the Police.
- There will be no use of glass drinking vessels at the event with alcoholic drinks served in non-glass/safety/polycarbonate vessels. Glass containers shall not be permitted to be bought onto site by event attendees. Drug amnesty bins shall be provided at the entrance points with any deposited substances securely kept and provided as soon as practicable to the Police.
- Staff to be trained to report any suspicious or criminal activities to security team who shall, where justified, report matters to the Police. Any person deemed unfit due to drink or drugs at the event shall be asked to leave the event after organisers have considered it safe for them to leave the site.

- No dogs on site except for guide, assistance dogs and passive search dog teams.
- DPS to remain on site throughout operation of event.

Public Safety

- Secure fencing shall be erected around the site perimeter to restrict access and create a safe event area.
- Internal and external lighting shall illuminate the concert field during fading and dark light times. All powered or electrical apparatus, sanitary units and other installations shall be regularly inspected to ensure it is maintained in good order at all times.
- Sufficient number of onsite toilets and facilities shall be provided to accommodate attendee numbers.
- A clear method of communication between all key personnel shall be operated on site in the event of minor and major incidents.
- A free provision of drinking water will be available from the bar, provided on request, in disposable small cups.
- Numbers of SIA staff at entry and exit points shall be based on risk assessment.
- A fully developed site evacuation procedure shall be in place.
 - Well trained and expert staff to adhere to environmental health requirements.
 - Training and implementation of underage ID checks.
 - A log book or recording system shall be kept upon the premises in which shall be entered particulars of inspections made of all areas of the operation including backstage.
 - The log book shall be kept available for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation.
 - All powered or electrical apparatus, sanitary units and other installations, will be maintained in good order at all times and regularly inspected.
 - The provision of a sufficient number of onsite toilets and facilities to accommodate the number of attendees.
 - The Licence Holder will ensure that there is a detailed, fit for purpose written Contingency Plan in place for each event that has been agreed by the Emergency Services and the safety Advisory Group
 - A list of restricted items is emailed to customers prior to the event.

The Prevention of Public Nuisance

- There shall be a named person appointed to monitor and co-ordinate noise issues to the approval of the Environmental Protection Service. The noise co-ordinator shall liaise with the EHO and relevant event staff regarding sound systems relating to noise control prior to and during the event.
- The sound system shall be configured and operated in a similar manner as intended for the event. The sound source used for the test shall be similar in character to the music most likely to be produced during the event.
- The noise co-ordinator shall ensure that prior to the event during any testing of equipment, minimum noise levels are emitted from the sound equipment, to reduce to its lowest level any noise nuisance to local residents. The licensee shall ensure that sound testing is only carried out between the hours of 10:00 and 19:00 and is of the shortest duration practicable.
- Facilities shall be provided on the mixing desk(s), or other appropriate position(s), for an EHO to monitor and where necessary secure a reduction in noise

The Protection of Children from Harm

- A Challenge 25 age verification policy shall be in place to prevent sale of alcohol to underage people. This shall detail age verification conditions, ID requirements, staff training and signage conditions wording.
- Nobody under the age of 12 shall be permitted on site unless accompanied by an adult. This will be clearly set out within event marketing material.
- Security staff with responsibility for the welfare of children shall be satisfactorily DBS checked and carefully selected for the role they will be carrying out.
- No under 18s shall work at the licensed site unless a suitable and sufficient risk assessment has been carried out and all control measures effectively implemented.
- Any persons believed to be drinking under-age shall be intercepted by security personnel and alcohol disposed of.
- Any person under the age of 18 attempting to purchase alcohol, or any adult attempting to purchase alcohol for any person under 18 shall be asked to leave the event after event organisers have considered that it is safe for them to leave site. The Premises Licence Holder will deliver training and implement underage ID checks.
- The security & medical teams will be trained and at the events to deal with vulnerable children.

SCHEDULE 3

Conditions necessary to promote the Licensing objectives and agreed in response to the representations made

General

- The premises licence holder shall ensure that the total capacity of persons on site shall not exceed 7,000 and shall provide upon request from an officer of a Relevant Authority, a log (hardcopy and / or electronic) that shows the maximum number of persons on site at that time.
- The Licensee shall ensure that the event area and all access and egress points are patrolled to prevent unauthorised access. A written log of any security issues or breaches shall be maintained at event control and made immediately available to an authorised officer upon request.
- The premises licence holder shall ensure that the Annual Event Management Plan (EMP) must be submitted in writing to the Licensing Authority for agreement in principle a minimum of 3 months prior to the event (or such lesser period as the Licensing Authority may agree from time to time). The EMP shall be agreed by the Licensing Authority in writing in principle no less than 4 weeks before the event start date. Such approval not to be unreasonably withheld.
- The EMP shall include, but not limited to, the following:
 - a. Any proposed changes to the site plan.
 - b. The roles, responsibility and structure of the security and stewarding operation including crowd management.
 - c. An alcohol and drugs policy.
 - d. The provision of medical facilities and arrangements.
 - e. A detailed fire safety assessment including details of any pyrotechnics / special effects to be used.
 - f. An assessment of lighting levels throughout the event site.
 - g. A lost and found children policy.
 - h. The provision of welfare facilities and sanitary accommodation.
 - i. A waste management plan.
 - j. Emergency arrangement including crowded space controls.

If any of these have to be changed during construction, then a log shall be kept to provide an understanding of why modifications were necessary. This log shall be provided for inspection upon request of an officer of a Relevant Authority.

- Additional separate documents shall be provided as working documents alongside the EMP to include: -
 - a. Noise Management Plan allowing for modifications as necessary determined during site construction.
 - b. Detailed Fire Risk Assessment allowing for modifications as necessary determined during site construction.
 - c. Traffic Management Plan allowing for modifications as necessary determined during site construction.

- d. Details of water supply, distribution and testing allowing for modifications as necessary determined during site construction

All modifications shall be logged so to provide an understanding of why the modifications were necessary which will be provided on demand from an Officer of a Relevant Authority.

- The Premises Licence holder shall ensure that the appropriate personnel within the management structure of the event (including contractors and sub-contractors) are aware of the relevant licensing conditions. A record of this fact will be made and it will include: - date, time, printed name, company name and signature. This log shall be available on site for inspection upon request of an Officer of a Relevant Authority.

The Prevention of Crime and Disorder

- A written log shall be kept in the Security Control Point to provide information of those patrons or others that are ejected from the event site. This log shall include: - date, time, name, ticket number (if relevant) and reason for ejection – if contractor or sub-contractor then the name of the company will be included. This will be available for inspection on demand if required by the police.

The Prevention of Public Nuisance

- A noise management plan shall be produced and complied with as per the general conditions above.

The Protection of Children from Harm

- No under 18's shall be permitted on site without a responsible adult.
- No under 18's shall work at on site unless a suitable and sufficient risk assessment has been carried out and all control measures effectively implemented.
- Any performances which may have content that may not be suitable for children (under 18's) will be advertised as such

Reasons for the Panel's Decision

In considering the application for a Premises Licence, the Panel had regard to all oral and written representations made at the hearing.

Whilst a representation had been received from an Interested Party on the basis of the prevention of public nuisance and crime & disorder no evidence was presented in this regard and no representations had been submitted by Responsible Authorities, in particular Thames Valley Police or the Control of Pollution. The panel noted that each application must be considered on its own individual facts and merits.

The Panel took into account the Noise Management Plan submitted by the Applicant, which the Applicant subsequently agreed to be expanded and detailed as detailed in this decision notice.

The Panel considered that in all the circumstances the proposed conditions offered by the Applicant and agreed at the hearing were reasonable and proportionate, sufficiently promoting the licensing objectives of the prevention of public nuisance, the prevention of crime and disorder, public safety and the protection of children from harm. The Panel further considered that the agreed conditions would be robust enough to be enforced in the future.

In making their decision, the panel also took into account the legislation, the statutory guidance and the Council's own licensing policy.

The panel has taken into account the relevant provisions of the Human Rights Act 1998, namely:

- Article 6 – the right to a fair hearing
- Article 8 – respect for private and family life
- Article 1, First Protocol – peaceful enjoyment of possessions.

Any Party aggrieved by the Decision given in this Notice may make a written Appeal within 21 days to the Clerk to the Justices, Wycombe and Beaconsfield Magistrates Court, Milton Keynes Magistrates Court, 301 Silbury Boulevard, Milton Keynes, Buckinghamshire MK9 2AJ.

A handwritten signature in black ink, appearing to read 'K. Chan', with a horizontal line underneath it.

Clerk to the Licensing Sub-Committee

Date: 24th June 2021