

**Minutes of a Meeting of the
Licensing Sub-Committee held at
Surrey Heath House, Camberley on
7 October 2011**

+ Cllr Rodney Bates
+ Cllr Bill Chapman

+ Cllr Bob Paton

+ Present

In attendance: Cllr Joanne Potter (as substitute)
Cllrs Charlotte Morley and Valerie White (Members of the Licensing
Committee).

Cllrs Liane Gibson and Moira Gibson (Ward Councillors).

Legal Adviser to the Sub-
Committee

Mr Elliot Gold (Counsel on behalf of Surrey Heath
Borough Council as Licensing Authority)

Democratic Services Officer

Ms Rachel Whillis

Surrey Heath Borough Council
as Licensing Authority

Miss Jessica Harris - Licensing Officer
Miss Leena Gurung - Licensing Assistant

Applicant – Harper Asprey
Wildlife Rescue

Ms Anne Brummer – Harper Asprey Wildlife Rescue
Mr J Payne – Solicitor and Agent for the Applicant

Responsible Authorities

Mrs Justine Fuller - Principal Environmental Health
Officer, Surrey Heath Borough Council
Mrs Julia Hutley-Savage – Principal Solicitor, Surrey
Heath Borough Council.
Mr Rab Carnie – Surrey Police

Interested Parties

Ms K Anderson
Cllr Moira Gibson on behalf of Mr T King
Mr T Holland
Mr D Howie

11/LS Election of Chairman

**RESOLVED, that Councillor Bill Chapman be elected as Chairman for
the meeting.**

PART I

(public)

12/LS Harper Asprey Wildlife Rescue, Ashleigh Farm, Church Road, Windlesham

The Sub-Committee was addressed by the Licensing Officer. An application for a premises licence for Ashleigh Farm, Church Road, Windlesham had been submitted by Harper Asprey Wildlife Rescue. The Licensing Officer notified the Sub-Committee of the parties who had the right to speak at the meeting.

An Event Management Plan had originally been submitted with the application as a supporting document. On 5 October 2011 the Licensing Authority had received submissions from the applicant which referred to the Event Management Plan as an example document. The Sub-Committee was informed that as a result of this submission, the Police, who had not submitted a representation about the application, now sought to address the Sub-Committee. The Police had been satisfied with the Event Management Plan as a supporting document and had they know it would only be considered as an example document, they would have submitted an objection and requested conditions on the licence.

The members of the Sub-Committee adjourned to consider the Police's request. Upon return, the Chairman informed the meeting that they had considered the request and had concluded that the Police would not be entitled to address the meeting. The reasons for refusing the Police's request were as follows:

- The Police were entitled to and had an opportunity to make a representation which is not an objection in respect of conditions or hours for licensable activities even if they did not oppose the granting of the licence.
- The Event Management Plan did not form part of the licence and if the Police had wished to address the Sub-Committee on the licence itself or conditions, they should have made a written representation.
- The Police had not referred Members to any part of the Hearings Regulations which would permit them to address the Sub-Committee when they had not made a representation.

Ms Brummer, the applicant, addressed the Sub Committee and outlined the work of Harper Asprey Wildlife Rescue. She stressed that the purpose of the event was a family fun day which sought to educate about wildlife and rescue and to raise funds for the care of sick and injured animals, and was not a rock concert or festival as it had been portrayed.

Mr Payne, on behalf of the applicant, informed the Sub-Committee that the applicant was requesting a premises licence between 10 am and 5 pm once a year. It was intended that the event would be held on a Saturday but the applicant wished to maintain flexibility for the event to be held on a Sunday if necessary. The capacity for the event would be up to 5000 people, and would be situated within 140 acres of farmland.

Mr Payne informed the Sub-Committee that the Event Management Plan was a basis for any future plan that would be submitted before an event. He proposed that the Event Management Plan could be submitted to responsible authorities and residents 8 weeks before any event, which would allow an opportunity to consider and address any concerns.

Mrs Hutley-Savage, representing the Head of Neighbourhood Services, informed the Sub Committee that a representation had been submitted by Environmental Health on 13 September 2011. She informed the meeting that, due to the lack of details included within the application, Environmental Health had experienced difficulty in assessing whether the application would promote the licensing objectives.

Environmental Health could not consider the layout plan, issues relating to access and egress, staffing numbers, staff training and noise levels contained in the Event Management Plan because it was being treated as an example document. The

application had not provided any indication of the capacity of the event. Further details were needed in relation to how public safety would be addressed; it was not acceptable to simply state that it would be managed in accordance with the Health & Safety at Work Act. Mrs Hutley-Savage further contended that the noise levels proposed by the applicant were not applicable for that type of event.

Mrs Hutley-Savage informed the Sub-Committee that as a result of the lack of detail in the application, if it was to be accepted Environmental Health would be seeking the imposition of conditions which would be far in excess of a normal premises application.

The Sub-Committee heard representations from Mr Holland, Mr Howie and Cllr Moira Gibson on behalf of Mr King as interested parties. It was informed that they did not object to a family fun day but retained concerns that the event could be more in the nature of a rock festival. In particular they stated concerns about noise and the volume of traffic generated by the event. They further questioned the appropriateness of selling alcohol at a family fun day event. It was advised that if the sale of alcohol was to be removed or a licence was to be limited to 12 months, this would significantly alleviate their concerns.

Mr Payne proposed that a condition could be imposed on the licence stating that the event would not be a rock concert or could be limited to a family fun day. It was submitted by Environmental Health that such a condition would be difficult to define and insufficiently precise.

After being addressed by the applicant, the responsible authority and interested parties, the Sub-Committee retired to consider its decision.

The Chairman announced the Sub-Committee's decision. Whilst the Sub-Committee had agreed that it was clear that the applicant was seeking to hold a family fun day, it had recognised that the application had been for a premises licence with no end date. Granting the licence would therefore allow the applicant to hold future events other than the event that had been considered by the Sub-Committee, which could be held on unspecified dates and without the opportunity to consider whether they could be carried out in accordance with the promotion of the licensing objectives. Members were also uncomfortable with the suggestion that a Responsible Authority could apply for a review of the licence if it was unhappy with the way an event had been run. For those reasons the Sub-Committee had decided it was unable to grant a licence for an unlimited period, as had been requested by the applicant.

The Chairman advised that the Sub-Committee had considered granting a licence for a limited period. The applicant had recognised that the details of the event had not been fully before the Sub-Committee and further information would be included in the Event Management Plan submitted to the Police and Environmental Health before any event. The Sub-Committee had, however, felt that it would want to consider the Event Management Plan and any conditions on the operating schedule which would arise out of the Plan and would be unhappy with delegating this role to any of the Responsible Authorities. The Chairman therefore announced that the Sub-Committee had concluded it must refuse the application.

RESOLVED that the application for a premises licence for Harper Asprey Wildlife Rescue be refused.

CHAIRMAN

Note 1: The hearing commenced at 10.05. The meeting was adjourned for 40 minutes whilst matters of procedure were clarified. The Sub Committee retired at 14.05 to re-convene at 16.40. The hearing concluded at 16.55.

Note 2: In accordance with the Members' Code of Conduct Cllr Bill Chapman declared a personal interest as he knew former councillor Mr Terence King, an interested party who had submitted a representation and had representations made at the meeting on his behalf.

Note 3: In accordance with the Members' Code of Conduct Cllr Rodney Bates declared a personal interest as he knew former councillor Mr Terence King, an interested party who had submitted a representation and had representations made at the meeting on his behalf, although he had not had any contact with Mr King for several years.

Note 4: In accordance with the Members' Code of Conduct Cllr Bill Chapman, Cllr Bob Paton and Cllr Joanne Potter declared a personal interest as Conrad Sturt, the designated premises supervisor, was a member of the same political party and a Conservative Councillor for Windlesham Parish Council.