

4 April 2023

NOTE: There will be limited public access to observe the meeting. Those wishing to do so must reserve a seat by completing a [Registration Form](#) by 4pm on the working day prior to the meeting. Access is also available via a live stream through the [Mid Sussex District Council's YouTube channel](#).

PLEASE NOTE START TIME OF MEETING

Dear Councillor,

A meeting of **LIQUOR LICENSING PANEL** will be held in the **COUNCIL CHAMBER** on **TUESDAY, 11TH APRIL, 2023 at 2.00 pm** when your attendance is requested.

Yours sincerely,
KATHRYN HALL
Chief Executive

A G E N D A

- | | Pages |
|---|---------|
| 1. To receive apologies for absence. | |
| 2. To receive Declarations of Interests from Members in respect of any matter on the Agenda. | |
| <p>The procedure the Licensing Panel will follow in considering the application is set out in the Licensing Act 2003, its attendant Regulations and was agreed by the Licensing Committee on 2nd February 2005. The Licensing Panel, in accordance with rule 14 of the Licensing Act 2003 (Hearings) Regulations 2005 decide to exclude the public from all or part of the hearing where the Licensing Panel considers that it is in the public interest to do so.</p> | |
| 3. To confirm the Minutes of the previous meetings held on 19 December 2022, 10 February 2023 and 3 March 2023. | 3 - 22 |
| 4. Determination of Objection Notice to Temporary Event Notice. | 23 - 64 |

Human Rights Act Implications

Licensing Act 2003

A licensing authority must carry out its function under the Licensing Act 2003 with a view of promoting the licensing objectives.

The Licensing objectives 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.

In carrying out its licensing functions a licensing authority must also have regard to:-

- (a) its licensing statement published under Section 5 of the Licensing Act 2003 (this may be viewed on the Mid Sussex District Council website);

and

- (b) any guidance issued by the Secretary of State under Section 182 of the Licensing Act (this may be viewed on the Department for Culture, Media and Sport website).

Members are asked to consider the human rights implications for both the licensee who has rights under Article 1 of the First Protocol, the Right to Property (which includes the licence):and the objectors who have rights under Article 8 to Respect for Private and Family Life, and Article 1 of the First Protocol, their right to enjoy peaceful use of their possessions.

To: **Members of Liquor Licensing Panel:** Councillors B Forbes, G Marsh and J Mockford

**Minutes of a meeting of Mid Sussex District Council Liquor Licensing Panel
held on Monday, 19th December, 2022
at 10.00 am**

Present: Councillors: N Webster (Chairman)
J Dabell
Anthea Lea

Officers in attendance: Paul Vickers, Solicitor to the Licensing Panel
Jon Bryant, Senior Licensing Officer
Alison Hammond, Democratic Services Officer

Also in attendance: Robin Langton, Applicant
Nick Semper, Applicant 's Agent
Amanda Daniels
John Daniels
Gesine Moss
Anita Batten
Sue Charlton
Angela Pope
Ellen Fisher, Democratic Services Officer
Lucinda Joyce, Senior Democratic Services Officer

The Chairman introduced the panel and officers to the applicants and Interested Parties.

LS.1 TO RECEIVE APOLOGIES FOR ABSENCE.

Apologies have been received from Cllr Mockford and Cllr Anthea Lea is substituting.

LS.2 TO RECEIVE DECLARATIONS OF INTERESTS FROM MEMBERS IN RESPECT OF ANY MATTER ON THE AGENDA.

None.

LS.3 TO CONFIRM MINUTES OF THE PREVIOUS MEETING OF THE LIQUOR LICENSING PANEL HELD ON 1 JULY 2022.

The minutes of the meeting held on 1 July 2022 were agreed as a correct record and were signed by the Chairman.

LS.4 APPLICATION FOR A NEW PREMISES LICENCE.

Introduction and outline of the report

Jon Bryant, Senior Licensing Officer introduced the report for the Panel to determine an application for a Premises Licence pursuant to Section 17 Licensing Act 2003 made by Mr Robin Langton, Managing Director of the Highweald Winery Wine Estate and noted that five members of the public who are also local residents, referred to as Interested Parties had made representations on the grounds of the Prevention of a Public Nuisance. The Panel were asked to determine the application in accordance with the Licensing Act 2003, MSDC Licensing Policy and

the Home Office Guidance issued under Section 182 Licensing Act 2003, whilst having due regard to the applicant's submissions and relevant representations.

The Senior Licensing Officer advised that Highweald Wine Estate, off Deaks Lane, Ansty is set in approximately 100 acres with an onsite office/vineyard store building and winery. The application was to licence an area containing the Winery and the new shop/garden bar; the applicant intends that alcohol will be consumed in the shop/garden bar as tasting samples, as part of a planned tour of the vineyard and the provision of on and off sales. He highlighted that the tours do not constitute a licensable activity. The application seeks to supply alcohol, on and off the premises Monday to Sunday 11 am to 9pm, with the same opening hours. Due to issues advertising the application, an amendment and re-submission, the application was extended and concluded on 1 December 2022. The application was correctly advertised on site and in The Mid Sussex Times. 15 representations were received but not accepted as they did not address the licensing objectives; a further representation was also excluded for the same reason. Representations from five Interested Parties were relevant and all relate to the Prevention of a Public Nuisance; he confirmed that no representations have been received from the Responsible Authorities.

During the consultation period Mr Langton asked for additional information to be passed to the Interested Parties and offered to meet them: he confirmed there would be no piped or recorded music outside, they would not accept buses or coaches loud or raucous behaviour would not be accepted. Most clientele would be couples as they are a luxury brand and offer a high-end experience. The agent had confirmed to the Licensing Team that any music would be background music; the Officer noted that this would not be regulated entertainment. The high-end clientele would be low risk. To mitigate noise the applicant had planted some mature trees, and more would be planted along with some hedging, they offered two additional conditions which were listed in Appendix 10 and the email was in Appendix 2. The Panel were reminded that some information in the representations were not relevant to the applicant as they referred to: the operating hours and the certificate of lawful development, planning consents, highway matters, site access, the rural location of the site and potential light pollution. In determining the application, the Panel should only consider the relevant representations. A number of conditions have been agreed between the Police and the applicant, and the officer requested these are included along with the mandatory conditions if the Panel decide to approve the application.

The Senior Licensing Officer summarised the unresolved representations made by the Interested Parties all on the grounds of Preventing a Public Nuisance: Tim and Anita Batten, Mrs Batten has a medical condition that adversely affects her health and well-being which requires her to sleep in the afternoons/early evenings; she moved to the area as it was quiet. Mrs Daniels did not accept the mitigation measures put forward by the applicant.

The Senior Licensing Officer reiterated that parts of the representation by Mr Andrew Moss, Amanda Daniels and Angela Pope did not relate to the Licensing Objectives and the Panel should disregard them.

Mr Andrew Moss was concerned with the times for recycling, extended time for the of sale alcohol, and noise from the site from visitors / staff would travel to local properties. He would be represented by Mrs Gesine Moss. The officer noted that the performance of live and recorded music is not a regulated activity if they have a licence and there are fewer than 500 people in attendance. Any matters relating to

noise from music should be directed to the Environmental Protection Team (EPT) to investigate.

Sue Charlton and John Barrett live opposite the entrance to the vineyard and stated they would be affected by noise travelling to them from the site; they advised they already hear music from other local places, Whiteman's Green, Ansty and Hickstead.

Amanda Daniels was concerned that people drinking in the garden bar and the hiring of the garden bar with background music would cause excessive noise in a quiet area. Her husband has a medical condition which means he sleeps during the day. She noted they can hear the winery's generator and noise from Cuckfield, Ansty Social Club and Hickstead. She expressed particular concern over the time by which visitors would have to leave the site and the late time of operation as the area is quieter in the evening.

Angela Pope was concerned that in a rural location with little background noise, any noise from the garden bar (which has a roof terrace) would carry further. She had concerns with bottling and opening times. She thought notices to ask people to be considerate of local residents would not work.

The Panel were asked to determine the application in accordance with Section 18 of the Licensing Act 2003 (LA03), MSDC Licensing Policy and the Home Office Guidance issued under Section 182 Licensing Act 2003, whilst having due regard to the applicant's submissions and relevant representations. Relevant representations must address one of the four Licensing Objectives: the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm. He highlighted several paragraphs of the Section 182 guidance: representations are relevant if they are about the likely effect of the grant of the application on the promotion of the licensing objectives; representations can support or be in objection to the application and a representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. The Local Authority had to decide if representations were frivolous or vexatious. He reiterated that the Panel was not there to review the current licence and each application was determined on a case-by-case basis. The determination should be evidence based, justifiable as being appropriate to the licensing objectives and proportionate. The final decision made by the Committee could be subject to appeal in the Magistrates Court by any party to the proceedings, and any decision by the Committee should be evidence based.

He highlighted section 9.44 of the Home Office Guidance Issued Under Section 182 of the Licensing Act 2003: the licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination. The inclusion of the provision of recorded music in the application is an error as less than 500 people will be in attendance.

The Chairman highlighted that that consideration must be made of people's rights under the Human Rights Act 1998, the licensee has rights under the first protocol, and the objectors have rights under Articles 1 and 8. Some Interested Parties have protected characteristics, and these must be carefully considered under the Equality Act 2010.

Questions to the Senior Licensing Officer

Nick Semper, Applicant's Agent had no questions.

The Solicitor advised the Interested Parties of the procedure of the meeting, cross examination of the participants was not permissible and clarification of any points by the participants assists the panel in their determination of the application and any potential additional conditions.

Mrs Batten asked about the volume of non-amplified music. The Senior Licensing Officer reiterated that it was not relevant as the playing of recorded, live or amplified music is not a regulated activity if fewer than 500 people are present at the premises with a licence between 8am and 11pm. If unregulated music from a premises causes a statutory nuisance the Environmental Protection Team (EPT) should be contacted to investigate.

The Chairman confirmed any matters relating to unregulated music are not covered by the Liquor Licencing Panel and affected residents must make their concerns known to the correct department when it occurs. Applicants can put systems in place to record complaints and a contact person at the licenced premises be identified in order to receive complaints. The Senior Licensing Officer suggested a noise management plan could be in place to deal with noise issues and noted that the applicant had not yet addressed the attendees or the Panel.

Mrs Moss, representing Mr Andrew Moss queried why the licensed area was so large and not just for the shop/garden bar, why the Winery needed a licence and not the tasting room and enquired about Temporary Event Notices (TEN). The Senior Licensing Officer suggested the applicant would be better placed to answer her questions. However, he advised that a license enables the consumption of alcohol on and off the premises. Premises Licenses and TENs are different activities. If no premises licence is held a person can apply for up to 20 TENs a year for a location, totalling 26 days, a person can apply for 50 notices a year.

Mrs Pope was also unclear of the process and questioned the scope of the licence sought, queried the intentions of the applicant noting the visitor shop had a maximum of 20 people on the tasting tour/garden bar. However, the email from the applicant noted a maximum of 60 people outside. She enquired if providing a venue for corporate hospitality would increase footfall, was concerned that excessive noise travels easily in a quiet environment and any licence should have appropriate conditions. The Senior Licensing Officer advised the applicant would answer some of her concerns in their representation and the application for the grant of a premises licence for the consumption of alcohol both on and off premises.

Members' Questions to the Senior Licensing Officer

The Members had no questions for the Senior Licensing Officer.

Nick Semper, Licensing Consultant for the Applicant

Nick Semper, Licensing Consultant for the applicant advised the winery was founded in 2015. Previously it was a working farm and the winery, which has won several trophies for their quality wine is not as intrusive as a farm. Currently they market their products through a third party and the licence will enable them to sell direct to the public through tours and tastings. To provide on and off sales the winery needs a licence. He confirmed there would be some entertaining in the garden, a maximum of 60 people, 11am to 9pm daily; it would not be regulated entertainment and would be *de minimis* by nature. He thanked the Senior Licensing Officer for sorting the non relevant representations, advised the Interested Parties must demonstrate that the Licensing Objectives would be impacted, and each applicant looked at on a case by case basis.

He noted there had been no representations from the Responsible Authorities. He advised wine tours, tasting and consumption of wine are not licensable activities, and disputed that the sale of alcohol would cause a public nuisance, reiterating it would be for a maximum of 60 people. The recycling times had been amended to 9 am until 9pm, and there would be no regulated entertainment at the site. He disputed that the scale and style of events at other locations which Interested Parties alleged to be audible were the same. With regards to the noise from the generator, there had been a farm on the site for a long time and the winery operation is quieter than a normal farm. He did not believe the application would cause a disproportionate and unreasonable adverse impact to a person living and working in the area. He confirmed all references to regulated music have been removed, no food other than canapes would be served, and these activities are not licensable. Mr Langton had written to all the Interested Parties confirming the Highweald Winery is a luxury brand, did not want to cause a public nuisance, offered a high-end experience and expect their clientele to respect the same.

They had provided additional information to the Senior Licensing Officer and the Interested Parties: the premises are surrounded by trees; 10 extra mature trees have been planted with plans to plant 30 more mature trees and 200ms of hedging to minimise noise escape from the site. He noted two extra conditions regarding noise from the site on page 34 of the agenda pack: no noise vibration to emanate from the site and they would turn down the music immediately at the request of the Police or EPT. He confirmed they were happy to develop a Noise Management Plan (NMP) and the Panel had to balance the ambitions of the applicant against the concerns of the neighbours. He advised “there was no evidence of public nuisance, just fear and speculation if the application is approved and the Licensing Act provided the means to remedy through review and that can be requested by anyone”. The process should be evidence based and they have a quality operation that has not and will not impact adversely on anyone.

Mr Langton added he was happy to develop and implement a NMP and wanted to be a good neighbour.

Questions to Mr Langton

Mrs Daniels queried Mr Semper’s comment that the vineyards operation was *de minimis* and if their licence was approved would their activities be greater/same as *de minimis*. Mr Semper advised the activities were described as *de minimis* to show the small scope and effect. There would be limited hours, a tight operating schedule, with a maximum of 60 for wine tasting, and a maximum of 20 for the tours and they would not be licensable activities.

Mrs Daniels expressed concern with the away days and hiring of the garden bar advertised on their website. She was concerned they would add to the noise levels and asked how many they would expect at these corporate events. Mr Langton confirmed the garden bar takes a maximum of 20 people, as it is small and the deck between 40 and 50 people, they are not expecting to host large corporate events. Their main activities will be the vineyard tours and tastings. They want to educate the public on the growing and production of their products and hope they will also buy when visiting the vineyard. Their web site had been updated and he confirmed “they would only do activities that fit the remit of the application”.

Mrs Pope thanked them for a comprehensive representation and advised the Interested Parties would have liked sight of the applicant’s representation before the meeting. She requested a copy of his representation. She asked why the

licence did not just cover the garden bar, and with the doors closed and sound insulation their concerns might be alleviated to some degree. She asked what noise management strategies they would propose for people outside. Mr Semper advised the NMP would be produced by a noise expert, and it will detail control measures necessary to prevent noise nuisance at the nearest premises. He could not advise what these measures were until the plan was complete. With normal good management, if are people making a lot of noise they will be warned or asked to leave. Mr Langton reiterated that they would not accept big groups or buses, and they sell a high-end wine. The tours will be managed, if there is another tour directly after one in progress there could be 40 visitors on the site. To mitigate sound the doors are double glazed, they have planted 4m mature trees with more trees and 1.4m hedges around the building, at significant cost. The vineyard and winery are part of the tour, and the licensable area is large as the wine is sold from the winery.

The Chairman asked how long it would take for a NMP to be in place and who would be in control of the tours. Mr Langton advised he had been the Chief Operating Officer at Ridgeview, running a similar operation; at no time were there any issues with noisy people. If visitors are out of order, they will be asked to leave. Mr Semper added that they use generic NMP and bespoke plans take about one month.

The Chairman advised they expect a specific NMP if the application is approved.

Mrs Pope expressed concern that they had not thought of developing a NMP prior to the meeting following receipt of all the representations. She had read that trees and hedgerows don't mitigate the transference of noise and act as acoustic barriers, they only help visually. She asked if they would consider restricting the licence to use of garden bar area with doors closed, reduce the hours and days, currently open 363 days and indoors; she also enquired where the wine sales would take place.

Mr Langton said their "proposed application was not unreasonable; they are happy to do a NMP to address her concerns and are not willing to amend the application as suggested". He confirmed the wine sales would be a small operation distributed from the winery and that would require additional activities and deliveries.

The Chair confirmed the recycling times had been amended to recycling 9am until 9 pm, and the NMP would be the responsibility of the Designated Premises Supervisor (DPS) as a condition of licence if it is approved. He noted that any business on that site would have deliveries to and from the site, whether a farm or winery and there would be extra traffic. He noted that the highway network was not a relevant matter in the application.

The Solicitor confirmed highway matters were not relevant to the Licensable activity and the Licensing Objectives.

Mrs Daniels asked how the applicant would deal with the noise generated by vehicles loading / unloading. Mr Semper advised the winery currently produces 250,000 bottles per annum and there would only be a change if the winery expanded its production.

The Chairman advised the noise of trucks unloading and bottles were not a licensing consideration.

Mrs Batten thought the licensing issue was a public nuisance with regard to noise from trucks and people. The Chairman confirmed it was a balancing act when dealing with the rights of applicant and the rights of the residents, and those with protected characteristics.

The Solicitor noted when dealing with the issue of a public nuisance, it is the likely effect of the granting of the licence that must be considered. If there is no licence to use the garden bar, the winery could still sell wine by selling through a third party, noise from trucks is not affected by the licensable activity. Noise nuisance is a separate matter and would be investigated by the EPT. If noise relates to the grant of a premises license, then the licence can be reviewed by the panel. All concerns raised relate to public nuisance, if license is not granted by the panel, all points raised re trucks, bottle noise trucks and use of site will still happen as not licensable activities.

In response to a question from Mrs Moss the Senior Licensing officer confirmed the licence application was specific to Mr Langton.

Mrs Moss queried what would happen if the winery was sold. The Senior Licensing officer confirmed if the winery was sold, the owner could transfer the licence over or Mr Langton could surrender his licence and new license could be applied for.

The Chairman requested information on exit times from the premises and how long after closing would they anticipate visitors remaining at the vineyard. Mt Langton confirmed they closing time had been revised from 11 pm to 9pm; there would be no tours in the last hour, and all visitors should have left by 9pm.

Mrs Gesine Moss representative of Mr Andrew Moss, Interested Party

Mrs Moss advised they live one field away from the vineyard and noted concerns with the long hours of operation at the site and bottling, noting some issues had been addressed to a degree. Their other concerns were the expansion from tours 3 days a week, noise of people arriving / leaving, and the staff would have little control over visitors as they can be noisier when they have had alcohol. They also expressed concern that the future format may change, fear of the unknown, but did appreciate it is a high-end operation. They highlighted the medical condition of their daughter.

Mr Langton advised they had a long-term business plan and suggested having ongoing dialogue and neighbourhood meetings.

The Chairman noted that there are a number of high-end vineries in the local area, all in rural quiet areas, and all valid concerns and would be considered.

Mrs Sue Charlton, Interested Party

Mrs Charlton advised she lives opposite the entrance, has a small farm and is aware of farm noise. Her recently diagnosed medical condition requires lots of rest.

Mr Langton noted that the driveway needs work and suggested adding sleeping policemen to reduce speed / noise.

Angela Pope, Interested Party

Mrs Pope asked the Panel to delay their decision until the NMP had been received. She was aware of the balancing act of the rights of the applicant and the neighbours. The previous farming activities on the site had been reasonable and the applicants proposed operation could be for 363 days a year.

The Chairman confirmed the Panel could agree conditions for the licence, can add additional conditions and when deliberating can agree an outcome based on the submission of an approved NMP.

Anita Batten, Interested Party

Mrs Batten reiterated that she needs to rest / sleep in the afternoon, and they moved to the area as it is quiet. Whiteman's Green is one mile away and they still hear noise from there through the trees. She also enquired how the staff could control the noise of visitors.

The Chairman noted that noise does travel, and some background noise is not always heard as people don't register it.

Mrs Amanda Daniels, Interested Party

Mrs Daniels expressed concerned on how the applicant would control noise of visitors and suggested not all local vineyards have residents living close by. She queried whether sleeping policeman were permitted on a public bridleway. Noise would be a greater nuisance as the area is quieter in the evening. She requested that they scale back their operating times. The use of the site as a vineyard has significantly increased when compared to the use as a farm.

The Solicitor confirmed that any concern needs to be evidence based, but conditions can be added to prevent a potential problem arising. The panel can add conditions to those already proposed or refuse the application.

Mr John Daniels, Interested Party

Mr Daniels noted they live 1km away and highlighted his medical condition, and how the effect of noise from the vineyard will disturb him and create a public nuisance. He confirmed he uses the bridleway on a regular basis as part of his normal daily activities. The area is quiet and peaceful, and more noise will be intrusive to him.

A Member stated the Interested Parties are fearful of the unknown, the vineyard will still be there tomorrow, and the applicant wants to make a small change to permit the sale and tasting of wine on the site in limited numbers. They appreciated the various health issues of the local residents, and the likelihood of extra noise when tours take place. If visitors are noisy the staff will ask them to leave.

Mrs Pope confirmed there is fear of future operations at the site, and the prevailing wind brings the sound to them and proximity to the noise source is critical.

The Chairman confirmed all their concerns had been noted and would be considered during the Panel's deliberations.

Mr Langton, Applicant summed up

He thanked everyone for attending and advised they would continue to work with their neighbours and the authority.

The Solicitor advised that the Members would retire to deliberate and asked the other attendees to the meeting to remain in the Council Chamber. The Members left the Chamber at 12.28 pm.

The Members returned to the Chamber at 12.52 pm.

The Chairman thanked all the attendees for their representations, and he advised the Panel understood the residents' concerns. He advised the panel must abide by the licensing regulations, have taken account of the equalities act and protected characteristics, and the rights of the business owners to earn a living. He recommended good communications, possibly by a WhatsApp group between the winery staff and the local residents, noting residents can make representations to the Council if the need arises in the future. The decision of the Panel was to approve the application with the additional conditions and subject to receipt of an agreed Noise Management Plan with Mid Sussex District Council.

RESOLVED

The application for a premises licence was approved with the following conditions:

Proposed Conditions: Conditions agreed by the applicant with Police

1. The premises will operate an age verification policy set at a minimum of 25 years, whereby any person attempting to buy alcohol who appears to be under the specified age will be asked for photographic ID to prove their age. Signage advertising the "Challenge" policy will be displayed in prominent locations in the premises and shall include the point of sale and the area where the alcohol is displayed, as a minimum.

2. All staff members engaged, or to be engaged, in selling alcohol on the premises shall receive full training pertinent to the Licensing Act, specifically in regard age-restricted sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs. Induction training must be completed prior to engaging in any sale of alcohol. Refresher training shall be conducted thereafter at intervals of no more than sixteen (16) weeks (this may be verbally delivered) All restricted sales training undertaken by staff members shall be fully documented and signed by the employee and a trustee member. All training records shall be made available upon request to an officer of a Responsibly Authority.

3. The premises shall at all times maintain and operate a sales refusals log and an incident log will be kept to record all refusals and incidents of crime or disorder. These shall be reviewed and signed by a trustee member at intervals of no more than four (4) weeks. Feedback shall be given to staff to ensure these are used on each occasion that a refusal or incident occurs at the premises. These records shall be kept for a minimum of twenty-four (24) months and made available upon request to an officer of a Responsibly Authority.

4. Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises. The system shall be on and recording at all times the premises licence is in operation.

a) The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.

b) CCTV footage will be stored for a minimum of 31 days.

c)The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.

d)The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.

e) Subject to GDPR guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV and will be able to download selected footage onto a disk (or other electronic portable device acceptable to Sussex Police) for the police without difficulty or delay and without charge to Sussex Police.

f) Any breakdown or system failure will be notified to the police immediately & remedied as soon as is practicable.

Conditions Proposed within the Applicants Operating Schedule

5.Customers will not be permitted to take open containers of alcohol from the Premises.

6.The number of persons allowed for on-site tastings or group tastings will be limited to a maximum of 20 persons.

7.Notices are displayed at all exits requesting patrons to respect the needs of local residents and to leave the premises and the area quietly.

8.Disposal of empty bottles into waste receptacles outside the premises will not be permitted to take place between the hours of 2100 hrs and 0900 hrs to minimise disturbance to nearby occupiers.

Conditions Additionally Proposed by the Applicant during the Consultation period

9.The Premises Licence Holder or DPS must immediately comply with any request to adjust noise levels/ frequency spectra made by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police

10.Noise or vibration shall not emanate from the premises so as to cause a nuisance.

11. Any licence is subject to the agreement of an appropriate Noise Management Plan with Mid Sussex District Council.

The meeting finished at 1.00 pm

Chairman

**Minutes of a meeting of Mid Sussex District Council Liquor Licensing Panel
held on Friday, 10th February, 2023
from 10.00 am**

Present: Councillors: J Knight (Chairman)
M Cornish
J Mockford

Officers in attendance: Paul Vickers, Solicitor to the Licensing Panel
Jon Bryant, Senior Licensing Officer
Lucy Corrie, Assistant Director Communities
Alison Hammond, Democratic Services Officer

Also in attendance: Stuart Beare, Joint Applicant
Sam Beare, Joint Applicant
Paul Thornton, Applicant 's Agent
Scott Castle, Applicant 's Sound Engineer
Jane Cooper, Senior Environmental Health Officer,
Environmental Protection
Oliver Benson, Environmental Health Protection Officer
Alexander Austin, Democratic Services Officer
Lucinda Joyce, Senior Democratic Services Officer

The Chairman introduced the panel and officers to the applicants and Interested Parties.

LS.1 TO RECEIVE APOLOGIES FOR ABSENCE.

None.

LS.2 TO RECEIVE DECLARATIONS OF INTERESTS FROM MEMBERS IN RESPECT OF ANY MATTER ON THE AGENDA.

None.

LS.3 TO CONFIRM THE MINUTES OF THE PREVIOUS MEETING HELD ON 14 NOVEMBER 2022.

The minutes of the meeting held on 14 November 2022 were agreed as a correct record and were electronically signed by the Chairman.

LS.4 APPLICATION TO VARY A PREMISES LICENCE - LICENSING ACT 2003.

Introduction and outline of the report

Jon Bryant, Senior Licensing Officer introduced the report for the Panel to determine an application to vary the current Premises Licence pursuant to Section 34 Licensing Act 2003 made by BA Beare and Sons, at The Pumpkin Farm and he noted that one Responsible Authority and one member of the public who is also a local resident, referred to as Interested Parties had made representations on the grounds of the

Prevention of a Public Nuisance. The variation sought to amend the name of the site, extend the times for the Performance of Live and Recorded Music, extend the times for the sale by retail of alcohol and to add the licensable activity of the Performance of a Play.

The Panel were asked to determine the application in accordance with the Licensing Act 2003, MSDC Licensing Policy and the Home Office Guidance issued under Section 182 Licensing Act 2003, whilst having due regard to the applicant's submissions and relevant representations.

The Senior Licensing Officer advised that the Pumpkin Farm, formerly known as the Maize Maze, had been licensed since 29 March 2003, however this is a separate location. He summarised the conditions on the licence to restrict times for live music, 20 days between 1st June and 30 September but the licensee had a difference opinion. He highlighted that the application would change the name to The Pumpkin Farm and the timings of the requested Licensable Activities.

In response to a question from the Chairman he confirmed the applicant now wished to have a licence for plays all year round. He noted the additional documents that had been received from the applicant and circulated to the panel and Interested Parties; and the remail received from Mr Tilbury who was unable to attend. The report included amendments to the current conditions as agreed with the Police and mandatory conditions; the application had been correctly advertised on the site and in the press. He summarised the representations made by the Environmental Health Protection Team (EPT), Responsible Authority and Mr Tilbury on the grounds of Prevent of Public Nuisance through noise at the site, listed in Appendices 4 and 5. He reiterated that parts of Mr Tilbury's representation related to planning matters and were not relevant, The Pumkin Farm was not a working farm and Mr Tilbury had listed details of their Christmas activities.

The Panel were asked to determine the application in accordance with Section 34 of the Licensing Act 2003 (LA03), MSDC Licensing Policy and the Home Office Guidance issued under Section 182 Licensing Act 2003, whilst having due regard to the applicant's submissions and relevant representations. Relevant representations must address one of the four Licensing Objectives: the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm. He highlighted several paragraphs of the Section 182 guidance: representations are relevant if they are about the likely effect of the grant of the application on the promotion of the licensing objectives; representations can support or be in objection to the application and a representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. The Local Authority had to decide if representations were frivolous or vexatious. Each Responsible Authority are experts in their field and may be Licensing Authorities main source of advice; Responsible Authorities can make representations if there is evidence to support them. He reiterated that the Panel should consider each application on a case-by-case basis. The determination should be evidence based, justifiable as being appropriate to the licensing objectives and proportionate. The final decision made by the Committee could be subject to appeal in the Magistrates Court by any party to the proceedings, and any decision by the Committee should be evidence based.

Questions to the Senior Licensing Officer

There were no questions for the Senior Licensing Officer.

Paul Thornton, Licensing Consultant for the Applicant

He started by querying whether the 70 days applied for was up for consideration; they had requested extended hours for 1 September to 31 December, and not for 70 days. They had discussed the application with the EPT, but no agreement had been reached.

With regard to the blanket opening times on the application for Licensable Activities, Paul Vickers, Solicitor to the Licensing Panel confirmed any conditions can be amended accordingly, and the wording on the current license lacks clarity. He advised that the Panel Members needed clarity on what was being sought by the application and clarity can be given as part of their decision. The Senior Licensing Officer confirmed 122 days were being requested, which included the 20 Summer days already permitted.

The Licensing Consultant confirmed the applicants wished to vary the existing premises licence, regularise the timings of licence and change it to a newer business model. Most activities occur in the autumn and winter, pumpkin picking and they wanted to give an enhanced experience, there would be low key entertainment similar to busking with a maximum of 300 visitors and a refreshment hut selling alcohol. These facilities would be ancillary for the site; the dwell times of people picking pumpkins is a maximum of 90 minutes.

He summarised the history of the farm which had been bought by the family in 1938, in 1971 it opened to public for pick your own fruit and vegetables - June to October for 12 hours a day, in 1998 maize maze with refreshments opened and ran until 2017. In 2018 pumpkin picking commenced with evening sessions in 2020 due to the pandemic and to permit social distancing. The farm also hosts Shocktober Fest Scream Park, a unique experience in the UK and 1 of only 10 worldwide. In 2020 an Outdoor Drive-In cinema which continues today. The farm owners have recently travelled to the USA to talk about their business model, and UK farmers also visit to as fact-finding missions. The family has been on the site for 86 years, they are an honest, trustworthy, and successful business.

He highlighted the Noise Management Plan (NMP) by Mr Scott Castle, and the Code of Practice which has been accepted by operators and regulators and is used at concerts. He reiterated that it is guidance and not the law, the table is in their NMP and is acceptable if there are no more than 12 events a year; this is the basis of the EPT's objection. A business can depart from the guidance if evidence is provided and explained, he referenced paragraph 1 (for large scale music events with high powered amplification in stadia, open air sites, and lightweight buildings) and paragraph 3 of the guidance. He noted that the purpose of the code is to give guidance to minimise the disturbance. He disputed that the EPT had taken into account the type or size of events Mr Beare and Sons would host. He requested the panel take a common-sense approach of their NMP, which detailed the training of staff, pre-event testing, testing during the event, using recording and monitoring equipment, which would be freely accessible to the EPT officers. He confirmed the output would be adjusted if a complaint was to be received via their complaints system which had a complaint template. They would also host a post-event feedback meeting with the EPT.

He noted that the Licensing Authority and Mr Beare and Sons responsibility to promote the Licensing Objectives and Police and EPT had to regulate it and provide advice. Little credit was given to their tailored NMP, the complaint by the EPT has a generic explanation and does not relate to their site, and there have been no substantiated complaints for site for the past last 10 years. He referenced the additional information sent to the Licensing Team, which advises how the NMP

complies with the Noise Council's Code of Practice as referred to by the EPT. He reiterated that any comments made by Mr Tilbury on planning matters were irrelevant, and he has not made any representations on behalf of anybody else. Mr Tilbury bought a barn on the farm and Mr Stuart Beare's mother, and his son are neighbours; the presentation is inaccurate as no alcohol this served after hours, the site closes at 22:00 and the existing license conditions have not been breached regarding the number of events. No dates were given for the installation of the recording equipment so it cannot be verified; he asked for the refence to complaints to be ignored. The portable toilets are used for the pumpkin picking and are not part of premises licence. The pick your own business which operates across 120 acres was operational when Mr Tilbury bought his barn. He confirmed that Mr Tilbury has not engaged with the applicants regarding any complaints; Mr Stuart Beare had contacted him but had not received a reply.

The Chairman reminded the applicant's agent to keep his comments to licensing activities.

In summing up Mr Thornton confirmed a floodlight had been left on overnight on one occasion by mistake, it was a working farm so there could be mud on the road. The panel should determine the application to vary the current license. They could modify, add or delete conditions, limit the number of events, and requested the condition relating to the NMP be approved by the EPT be removed. He thought this condition would permit an officer to block an event if they don't agree with a NMP sent by operator, and no appeal would be possible. Then Licensing Authority can refer an operator to their NMP, which should be done at the investigation stage. He thought this was unfair and against natural justice. Mr Stuart Beare is an experienced, respected businessmen with a successful business. The business must keep pace in a changing world, and they are a credit to Mid Sussex as a business, tourist site and an employer.

The Solicitor to the Panel corrected Mr Thornton and clarified that Section 4 subsection 1 of the Licensing Act states that it is the duty of the Licensing Authority to promote to Licensing Objectives and the EPT is part of the Licensing Authority.

Mr Thornton observed that a good EPT Officer will talk to an operator to check they know their responsibilities if they think their NMP is unprofessional or deficient. He expressed concern that Mr Beare and Sons could be held hostage because a Council Officer does not like their NMP. He outlined the roles of the operators, and the Licensing Authority, stating the NMP is comprehensive, has in-built monitoring and checking and permits reviews of noise levels.

Questions to the Applicant

There were no questions from the Senior Licensing Officer.

The EPT Officer expressed concern of the Agent's view (that the Agent thought her department were holding the applicants' hostage), they are fully aware of the guidance and had tried to negotiate on the number of days of operation and noise levels; no straight answer had been received. In principle with a higher the number of days of operation they would need to be quieter each day, the NMP does not take this into account.

In response to Member's questions Mr Sam Bear confirmed the pumpkin picking is a family event and ends at 22:00 and the car park is usually clear by 22:15; and they grow over 1,000,000 pumpkins each year. Mr Stuart Beare advised Mr Tilbury has been a good neighbour, they have not aggravated him, there are some boundary

disputes that they are trying to resolve, and they are on good terms with Mrs Tilbury. Mr Castle noted the entertainment would be a guitarist and a singer from 18 :00 to 22:00 with sets every 15 minutes, it would be low key, and they could reduce sound levels if required, they want to be good neighbours.

In response to the Chairman's concern regarding possible heavy amplification in the future should the application be approved, Mr Stuart Beare stated it was not in their future plans and conditions could be added, they are not in the music business.

Mr Thornton advised is a heavy rock band was to play on the site, the operators would first look at mitigation measures to reduce the impact.

The Chairman advised as a responsible Council Mid Sussex must consider prevention.

Mr Stuart Beare advised they were not trying to hold a five-day event akin to Glastonbury and Mr Castle noted that the licensing regime and statutory regime were two different principles.

Jane Cooper, Responsible Authority:

The Officer stated the EHP object as they believe to allow the proposed changes will result in a public nuisance and she believed the Licensing Objectives would not be upheld, she noted a dispute on the number of days activities are currently permitted. She expressed concern for occasional low-key events and referred to the operator's website for tickets to pumpkin nights. She believed the application would result in intensification of the site, with more than 500 people a day. The monitoring last year following a complaint regarding loud music in October was referenced, the music was clearly audible in a home that the lyrics could identified, and it was deemed intrusive. The Council wants to support business but not at expense of the public. The application sought to increase the number of days and the hours, there must be agreement between the applicant and the EPT. If there is an increase in the number of days, the music must be quieter, and she confirmed no agreement had been reached.

The EPT use the same guidance, which has recommendations for up to 12 days a year, she advised there is no guidance for more than 12 days and this demonstrates it would be intrusive. For more than 12 days the event should be, held indoors. The applicant wants to hold the events in a field close to houses; she didn't believe they could control the music to prevent a public nuisance. The way forward was to reduce the number of days of live music so a realistic noise level can be set; the applicant needs to demonstrate how they can achieve the noise levels and it should be included on the licence. The approving the application will create a public nuisance and EPT object to application.

Questions to Responsible Authority

There were no questions from the Senior Licensing Officer.

Mr Thornton asked for the results of the investigation regarding the loud music and what action was taken. The EPT Officer confirmed a complaint was received, the EPT installed recording equipment and the Applicant's Agent was aware that the only action taken was a discussion with the operator. Mr Thornton reiterated that he did not believe the complaint had been substantiated against the Pumpkin Farm.

In response to further questions from the Agent the EPT Officer confirmed only one representation had been received from local residents, and the EPT wanted to agree

a noise level that was achievable. She confirmed Mr Tilbury had signed a witness statement confirming the noise had come from the field.

Mr Castle stated the Noise Management code is there to make making events work, he accepted that the code was dated, and bespoke values are required for each site. They could measure values over several days to identify the background levels.

In response to the Chairmans' question concerning other residential properties close to the farm, the EPT Officer advised the village was approximately 500 – 600ms away, low frequency sounds travel easily, and a low beat can be evident inside a property.

The Chairman asked the EPT Officer what would be acceptable. She advised if the applicant gave the number of days they could then suggest a level; and all suggestions had been rejected by The Pumpkin Farm. The Chairman then asked if the applicants thought they could reach agreement, Mr Stuart Beare advised he thought they could, but they would be reliant on Mr Castle for advice on what was achievable. The last suggestion was not achievable, as the noise level was below ambient traffic noise. The EPT Officer noted the impact on local residents. Mr Stuart Beare advised Mr Tilbury bought a barn in the middle of an existing farm.

The Chairman confirmed the Council supports local business, and the Environmental Protection Team and applicants need to try and come to an agreement before the Committee can reach a decision.

The agent for the applicant suggested they take an adjournment for 20 minutes to see if they could reach agreement with the Environmental Protection Team; the committee agreed.

The Environmental Protection Team and applicants left the chamber at 11.45, and they all returned to the chamber at 12.19.

Mr Stuart Beare confirmed no agreement had been reached and requested an adjournment, so they could continue their discussions. A key factor was determining the background level of noise and as the Environmental Protection Team want to set a maximum level above the background noise level; they will conduct a test with their system, then the Environmental Protection Team will know what is achievable.

All parties agreed to reconvene on Friday 3 March to continue the consideration of the application. The Senior Licensing Officer confirmed the applicant will notify the Liquor Licensing Panel if an agreement has been reached before the next meeting.

The meeting was adjourned at 12.27,
and the Panel will reconvene at 10.00 am on Friday 3 March 2023.

The meeting finished at 12.27 pm

Chairman

**Minutes of a meeting of Mid Sussex District Council Liquor Licensing Panel
held on Friday, 3rd March, 2023
from 10.00 am**

Present: Councillors: J Knight (Chairman)
M Cornish
J Mockford

Officers in attendance: Paul Vickers, Solicitor to the Licensing Panel
Jon Bryant, Senior Licensing Officer
Lucy Corrie, Assistant Director Communities
Ellen Fisher, Democratic Services Officer

Also in attendance: Stuart Beare, Joint Applicant
Sam Beare, Joint Applicant
Paul Thornton, Applicant 's Agent
Jane Cooper Environmental Health Officer,
Environmental Protection
Oliver Benson, Environmental Health Protection Officer
Alexander Austin, Democratic Services Officer
Lucinda Joyce, Senior Democratic Services Officer

LS.1 TO RECEIVE APOLOGIES FOR ABSENCE.

Apologies were received from Scott Castle, the Applicant 's Sound Engineer.

LS.2 TO RECEIVE DECLARATIONS OF INTERESTS FROM MEMBERS IN RESPECT OF ANY MATTER ON THE AGENDA.

None.

LS.3 TO CONFIRM THE MINUTES OF THE PREVIOUS MEETING HELD ON 10 FEBRUARY 2023.

The minutes are a continuation of the minutes of the meeting held on 10 February 2023 and both sets will be signed off by the Committee at a future date.

LS.4 APPLICATION TO VARY A PREMISES LICENCE - LICENSING ACT 2003.

The Chairman welcomed the Panel, officers and applicants to the meeting, advising it was a continuation of the adjourned meeting held on Friday 10 February. The Chairman invited Jon Bryant, Senior Licensing Officer to provide an update on the application and any amendments since the previous meeting. The Senior Licensing Officer advised that following the adjournment of the meeting from 10 February 2023, the Environmental Protection Team have met with the applicants and agreed conditions to enable them to withdraw their representation before the Panel. He noted the agreed and revised conditions were set out at Appendix 6 of the report as agreed with the Police and Environmental Protection Team. He advised the Environmental Protection Team were present should the Panel have any further questions, however, confirmed the Panel no longer needed to consider their representation as this had been withdrawn. The only outstanding representation was

that of the interested party, Mr Tilbury. He had been notified via email of the adjournment of the Panel and the new time and date for the meeting to be reconvened, the Senior Licensing Officer confirmed Mr Tilbury had not responded and was not in attendance at this meeting. Therefore, Mr Tilbury's representations on the grounds of Prevention of Public Nuisance did remain outstanding to be considered by the Panel and these were summarised to the Panel during the first meeting on 10 February 2023 and as detailed in the report.

Questions to the Senior Licensing Officer

There were no questions to for the Senior Licensing Officer.

The Chairman asked the Environmental Protection Team to provide an update to the Panel following their meeting with the applicants on Friday 24 February 2023. Jane Cooper, Environmental Health Officer, advised that an agreement had been reached with the applicant, and under the revised conditions the premises may only be used for regulated entertainment on no more than a total of 49 days between 1st June and 31st December each year. The Licence Holder must notify the Environmental Protection Team of the exact number of days by the 1st April each year. She confirmed that under the Noise Management Plan (NMP), for events held on up to 30 days, one level of sound would be acceptable, and that for events held on between 30 and 50 days, a lower sound level would be required. A NMP must be approved each year before regulated entertainment can take place. The Chairman asked for clarity on this, and the Environmental Health Officer confirmed sound levels from music would be measured in decibels, relative to background sound levels at the site. The Chairman sought advice that this be documented as part of the conditions. Paul Vickers, Solicitor to the Licensing Panel advised this would not be necessary as the noise levels would be agreed and approved as part of the noise management plan. Jon Bryant, Senior Licensing Officer, agreed advising it makes it difficult to enforce and regulate through conditions, this is better dealt with through the noise management plan rather than an actual condition.

Questions for the Environmental Protection Team

There were no further questions for the Environmental Protection Team.

Paul Thornton, Licensing Consultant for the Applicant

Paul Thornton on behalf of his clients thanked the Panel for agreeing to adjourn the meeting. He emphasised his clients' gratitude for their productive meeting with the Environmental Health Team and the team's decision to withdraw their representations as a result of that meeting and agreeing the revised conditions. He confirmed his clients had agreed the amended conditions and were working with the Environmental Protection Team to produce a NMP and this would be signed off the week commencing 6th March 2023.

The Licensing Consultant advised the only outstanding matter was the representation from Mr Tilbury. In summary, Mr Tilbury had been in contact with Mr Beare following the meeting on 10th February and they had subsequently had a very productive and informative meeting, discussions were ongoing. The Licensing Consultant advised the Panel that Mr Tilbury's representation was factually lacking, and no evidence had been supplied or complaints registered with Environmental Health produced to support it, however, legally the Panel had a duty to consider it. In conclusion, his clients had great expertise in running entertainment events and the measures of the proposed application, amended NMP and new conditions would meet the necessary

licensing criteria and the satisfaction of all regulatory bodies and therefore he asks the Panel to grant the application safe in this knowledge. He thanked the Panel for their time.

Questions for the Applicant

In response to a Member question, Mr Beare confirmed under the agreed and revised conditions 1st September to 31 December had been amended to 1st June to 31st December to include both the summer season and provision for Christmas entertainment. He explained the amended condition provides more flexibility rather than having to apply for a licence each time. Another Member sort clarification as to whether there were plans to hold weeklong activities or longer. Mr Beare confirmed the only weeklong activity currently running was the Pumpkin Farm to coincide with October half term. The Chairman asked what the process would be if a plan for a two-week activity was submitted. The Environmental Health Officer advised they would work with consultants to achieve a suitable outcome. Oliver Benson, Environmental Health Protection Officer, advised the more events that were to take place, the lower the noise levels would be required as part of the conditions.

As there were no further questions the Chairman advised the public participants that the Panel would retire to deliberate and decide. The public meeting finished at 10.15am and the Panel left the Council Chamber. The Panel returned at 10.20am.

RESOLVED

The application to vary a premises licence was approved subject to the following agreed and revised conditions as set out at Appendix 6 of the report and that under the amended conditions agreed by the Environmental Protection Team it reads as follows;

‘No licensable activities of live and recorded music are permitted outside the maximum of 49 days between 1st June and 31st December.’

The Solicitor to the Licensing Panel advised the applicants the decision would be confirmed to them in writing. The Chairman commended the officers and applicants for working together to reach a positive resolution and wished the applicants success.

The meeting finished at 10.21 am

Chairman

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DETERMINATION OF OBJECTION NOTICE TO TEMPORARY EVENT NOTICE

REPORT OF: Lucy Corrie, Assistant Director - Communities
Contact Officer: Jon Bryant, Senior Licensing Officer
Email: jon.bryant@midsussex.gov.uk Tel: 01444 477428
Wards Affected: Hurstpierpoint and Downs
Key Decision No
Report To: Liquor Licensing Panel 11th April 2023

Purpose of Report

1. To provide information to the Licensing Panel to support their consideration of two objection notices to a Temporary Event Notification (TEN).

Summary

2. A Temporary Event Notification (TEN) has been sent to the Licensing Authority Mid Sussex District Council in accordance with Section 100 Licensing Act 2003 by Ms Elodie Nelson. Sussex Police have submitted an objection notice citing the grounds of the Prevention of Crime and Disorder and Public Safety. Mid Sussex District Council Environmental Protection Team have submitted an objection notice citing the grounds of the Prevention of a Public Nuisance, the Protection of Children from Harm, and Public Safety.
3. The Committee is asked to determine the matter in accordance with the Licensing Act 2003, MSDC Licensing Policy, and the Home Office Guidance issued under Section 182 Licensing Act 2003, having due regard to the applicant's submissions and the objections by the statutory bodies.

Background

4. When carrying out its functions the licensing authority must have regard to the four licensing objectives. The objectives are:
 - The prevention of crime and disorder
 - The promotion of public safety
 - The prevention of public nuisance
 - The protection of children from harm
5. The system of permitted temporary activities is intended as a light touch process designed to allow low risk events to take place without the requirement of a full premises licence. As such the process relies on openness and clarity in the description of the event in the notice to enable the relevant Responsible Authorities to determine whether the event going ahead would pose any risk to the licensing objectives.
6. Mrs Nelson (referred to in the Licensing Act as the 'premises user') submitted a Temporary Event Notification to cover the supply of alcohol and the provision of regulated entertainment between 21st July 2023 to 24th July 2023 with specific timings provided as Music /entertainment - 10:00 to 03:00 on Friday and Saturday; Films - 19:00 to 24:00 Saturday; Alcohol sale - 12:00 to 24:00 Friday and Saturday. The notification was submitted electronically to the Licensing Authority on 29th March 2023. A copy of the Temporary Event Notice can be found as Appendix one. Sussex Police and Environmental Health were informed on the same day.

7. An objection from the Mid Sussex District Council Environmental Protection Team was received on 29th March 2023 and an objection from Sussex Police was received on the 31st of March 2023.
8. The address of the event is Poynings Grange Farm, Henfield Road, Poynings, BN45 7AW. This location is not licensed. The location in the Notice is described as, *'We will be using 3 empty adjoining fields on Poynings Farm, along with a small part of a woodland, with a road entrance point on the A281. These fields will be clearly marked and entry will be restricted to ticket holders only (easily identifiable from a wristband).'*

The applicant has subsequently supplied a plan of the area proposed to be covered by the Temporary Event Notice. A copy of this can be found at Appendix two.

9. The notification states the nature of the event as:

We organise a small, family-friendly, invite-only music festival. We organise a bar and a food area with local vendors. A marquee will be set up with tables and chairs. Further on, we plan to have another marquee with a stage for some live and recorded music. We are hoping to have around 4 bands playing over Friday and Saturday evenings as well as around 3 DJs. There will be a Kids Disco on Saturday afternoon. Finally, there is a smaller tent for kids arts and crafts activities, which turns into a cinema tent showing children's films on Saturday night.

The notice states that the maximum number of people at the event will be 499. The licensable activities applied for are the supply of alcohol for consumption on the premises only and the Provision of Regulated Entertainment – Films and amplified live and recorded music.

10. Sussex Police (referred to in the Licensing Act as 'a relevant person') submitted an objection notice to the notification, under section 104(2) of the Licensing Act 2003, on the grounds of the prevention of crime and disorder and promotion of public safety. They have stated:

We have received a written event management plan for this event. Under security and marshal management there is discussion about hiring two stewards but this is with the proviso that it is to be confirmed. Under the specific question of whether Security Industry Authority security staff will be deployed, the response is again "to be confirmed".

Under the section in the event management plan headed incident management, it is stated that all attendees will be pre registered and the event is not open to the public. The section states "in our previous location, local police and local authority representatives have been invited to visit the event, in order to build relations with the local law enforcement".

Whilst we appreciate the sentiment expressed, Sussex police have serious concerns about this event. If there is no proper security on site, due to the remote location of the site it may not be possible for police to attend immediately regardless of what relations we have built with the organizer beforehand. From our experience with similar events in Sussex, we fear that the organizer is being somewhat naive in their approach with who may turn up at the event. Our experience is that often, especially with social media being used to rapidly spread news of events which some people may mistakenly believe is a "rave", people can turn up at events who are not invited but who are insistent on coming in.

There is a further Event Safety Generic Risk Assessment document provided by the applicant, under the heading “public order – staff and the public risk serious injury, if assaulted or if caught up in incidents of disorder”, it is stated that “a code of conduct is discussed at registration”. This is again a nice sentiment, but our fear is this approach is frighteningly naïve in the event that there is disorder at the event and there is no SIA registered door staff in adequate numbers, or uninvited persons or groups arrive at the event who have no interest in a code of conduct or any intention of adhering to such a code and either force their way in, or simply gain access via bypassing the entrance at this open site.

The representation in full is attached to this report at Appendix 3.

11. Mid Sussex District Council Environmental Protection Team (referred to in the Licensing Act as ‘a relevant person’) submitted an objection notice to the notification under section 104(2) of the Licensing Act 2003, on the grounds of the prevention of a public nuisance, the protection of children from harm, and the promotion of public safety. They have stated:

The Temporary Event Notice by the applicant is giving notice that the music festival event will take place on Friday 21 July 2023 from 1000 to 0300 the following morning; continuing on Saturday 22 July 2023 from 1000 to 0300 the following morning. It is not clear from the application what the activities will be on-site on Sunday and Monday, 23 and 24 July 2023.

To allow this would give permission for nearby residents to be exposed to 34 hours of music over one weekend not only during the day but also extending deep into the night period. Not only would the evening period be hugely impacted but a total of 8 hours of music in the night-time period is being requested. Sleep disturbance is likely and for prolonged periods over consecutive nights on one weekend.

Noise and disturbance from recorded and/or live amplified music; people talking, shouting and singing; vehicles and attendees arriving and leaving the site, particularly late at night; and clearing up, bottling out and preparing the area for the next day; are all likely to have an impact on nearby residents. The drinking time proposed amounts to 12 hours on the Friday and 12 hours on Saturday. Controlling noise emissions from music and people becomes increasingly difficult with increased alcohol consumption.

The event as proposed would extend late into the evening and night and there has been no details provided how the site and the activities will be operated to manage the safety risks. For example, there is no lighting plan to ensure attendees can safely traverse the site; there is no fire safety plan; there are no risk assessments etc.

The applicant is stating that this is a family-friendly event and there is therefore the expectation that children will be present throughout the event. Given that the proposal is to have regulated entertainment up to 0300, I am concerned for the welfare of children. Their sleep is likely to be severely affected and their safety could be compromised if the adults (parents/carers), while enjoying the entertainment, are not able to watch over them.

The representation in full is attached to this report at Appendix 4.

12. The applicant has provided further information regarding the event to the Environmental Protection Team and Police outlining the location plan for the event together the Event Management Plan and Risk Assessment for the event. These are attached to the report at Appendix 2.
13. This hearing must therefore consider the points raised in the Objection Notices and make a determination on the Temporary Event Notice.

Policy Context

14. The Panel should be aware that a Temporary Event Notice is not an application for the purposes of the Licensing Act 2003. It is a notification that licensable activities are going to take place at a certain venue and at notified times. The limit on numbers at such an event, including audience, staff and performers is 499. The Police and Environmental Health have the right to object if they are of the opinion that allowing the event to take place would undermine any of the licensing objectives.
15. The Panel's sole decision is whether or not to issue a counter notice. If a counter notice is issued this means the event cannot take place, and reasons for the decision must be given.
16. If the Panel decide not to issue a counter notice and allow the event to go ahead, the premises user and the relevant persons must be given a notice of that decision.
17. If the Panel decide not to issue a counter notice and allow the event to go ahead it must be noted no conditions can be added to the Notice.
18. The TEN can be modified (times, layout of venue, licensable activities) but only with the agreement of the premises user and all relevant persons.
19. The Committee must determine the matter in accordance with Section 105 Licensing Act 2003.
20. Section 105 Licensing Act 2003 Section (2) states:

The Licensing Authority must –
 - a) Hold a hearing to consider the objection notice, unless the premises user (Elodie Nelson), the relevant persons (Sussex Police and Mid Sussex District Council Environmental Protection Team) who gave the objection notice and the authority agree that a hearing is unnecessary.
 - b) Having regard to the objection notice, give the premises user a counter notice under this section if it considers it appropriate for the promotion of the licensing objectives to do so.
21. Section 105 Licensing Act 2003 Section (3) states:

The Licensing Authority must –
 - a) In a case where it decides not to issue a counter notice under this section, give the premises user and each relevant person a notice of the decision.
 - b) In any other case –
 - i. Give the premises user the counter notice and a notice stating the reasons for its decision and,

- ii. Give each relevant person a copy of both of those notices.

Section (4) further states:

A decision must be made under subsection (2)(b), and the requirements of subsection (3) must be met, at least 24 hours before the beginning of the event period specified in the temporary event notice.

Financial Implications

22. A decision made by the Panel is subject to appeal at the Magistrates Court by the premises user or a relevant person.

Risk Management Implications

23. None

Equality and customer service implications

24. None.

Other Material Implications

25. None.

Sustainability Implications

26. None.

Background Papers

Appendix 1 – Temporary Event Notification

Appendix 2 – Plan of the proposed location for the event, Event Management Plan and Risk Assessment

Notices of Objection

Appendix 3 – Sussex Police

Appendix 4 – Environmental Protection Team

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service_team_name Licensing Team

service_email_addresses licensing@midsussex.gov.uk

Personal Details of Premises User

Title Ms

Name Elodie Nelson

Address Address Redacted

Date of birth 02/10/1973

Place of birth Fort de France

Email Email Redacted

Phone Number Redacted

Personal Details of Premises User - Previous Name(s)

Have you ever been known by any other name? Yes

Title Ms

Forenames Elodie

Surname Brichant

Alternative Address for Correspondence

Do you wish for us to correspond with you using an alternative address? No

Details of Premises

Does your premises have an address? Address

Postcode BN45 7AW

Please select address POYNINGS GRANGE FARM HENFIELD ROAD, POYNINGS, BRIGHTON BN45 7AW

Ordinance Survey Reference

Premises / Club Licence

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? No

Details of Premises

Do you intend to use the whole or just part of premises? Only Part of Premises (please specify below)

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)

We will be using 3 empty adjoining fields on Poynings Farm, along with a small part of a woodland, with a road entrance point on the A281. These fields will be clearly marked and entry will be restricted to ticket holders only (easily identifiable from a wristband).

Please describe the nature of the premises below. (Please read note 4)

All 3 fields are currently empty - one will be used for parking only (we expect around 100-150 cars maximum), one for camping only (glamping tents, tipis and regular camping tents will be erected for the duration of the event; there will also be showers and toilets) and the last one as the site the entertainment (3 marquees will be erected for art activities, music and cinema), and we will also have a food and drink area as further described below.

Please describe the nature of the event below, being specific as to the type of activities you are seeking, i.e. disco, live band, play, film show etc. (Please read note 5)

We organise a small, family-friendly, invite-only music festival.

We organise a bar and a food area with local vendors. A marquee will be set up with tables and chairs.

Further on, we plan to have another marquee with a stage for some live and recorded music. We are hoping to have around 4 bands playing over Friday and Saturday evenings as well as around 3 DJs. There will be a Kids Disco on Saturday afternoon.

Finally, there is a smaller tent for kids arts and crafts activities, which turns into a cinema tent showing children's films on Saturday night.

Licensable Activities

The sale by retail of alcohol Yes

The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club No

The provision of regulated entertainment Yes

The provision of late night refreshment Yes

Late Temporary Event Notice

Are you giving a late temporary event notice? (Please read note 7) No

Event Date(s) - Licensable Activities

Date from 21/07/2023

Date to 24/07/2023

Event Information - Date & Times

Please state the date & times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)

Music / entertainment - 10:00 to 03:00 on Friday and Saturday
Films - 19:00 to 24:00 Saturday
Alcohol sale - 12:00 to 24:00 Friday and Saturday
Refreshments - 12:00 to 23:00 Friday and Saturday

Event Information - Numbers

Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10).

499

Event Information - Licensable Activities

Will the licensable activities include the supply of alcohol. (Please read note 11)

On premises only

Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment. (please read note 12)

No relevant entertainment

Personal Licence Holders

Do you currently hold a valid personal licence?

No

Have you previously given a temporary event notice, in respect of any premises, for events falling in the same calendar year as the event for which you are now giving this temporary event notice? No

Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period being proposed in this notice? No

Associates and Business Colleagues

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? No

Associates and Business Colleagues

Q2 Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? No

Associates and Business Colleagues

Has any person with whom you are in business carrying on No

licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

Associates and Business Colleagues

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: < a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? No

Conditions

Declarations

Please confirm declarations:-I confirm yes

Payment due 21

Email address to receive confirmation email Email Redacted

Confirm email Email Redacted

Your data

Submit & Pay

Payment Ref 1gskmip68

Amount to be paid: GBP 21

Order summary:

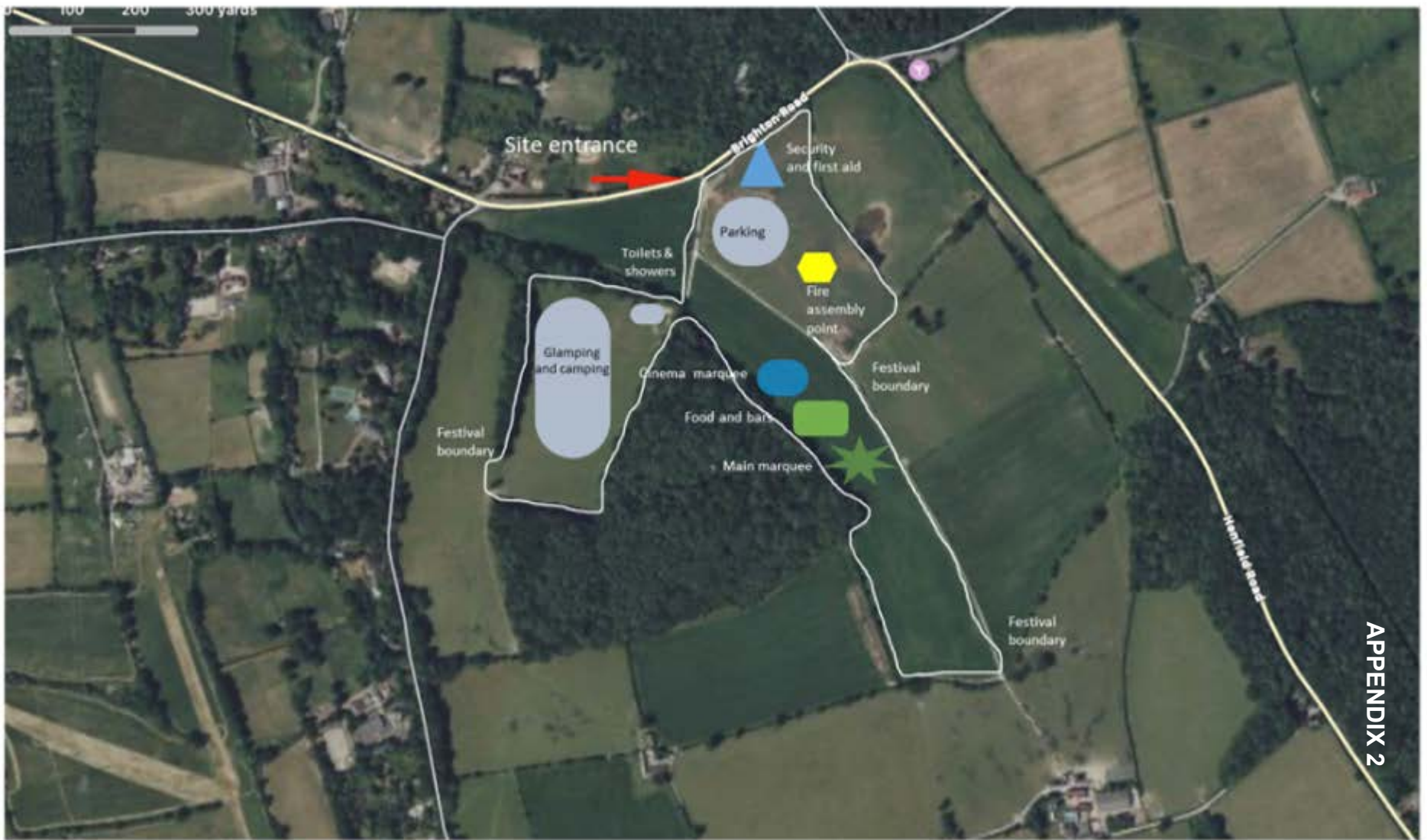
Item	Price	Total
Payment due	£21.00	£21.00

TOTAL	£21.00
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The message has been sent from 51.190.151.231 (United Kingdom) at 2023-03-28 19:01:31 on Chrome 111.0.0.0
Entry ID: 757

Minifest site plan

30.03.23



Event Management Plan

Contents

1. Event Overview
2. Site Management
3. Incident Management
4. Traffic Management Plan
5. Event Safety Measures (Covid-19)

Event Organiser Details

Event Organiser Names	Elodie Nelson, Simon Nelson, Flossie Clark, William Clark
Organisation	Minifestival Ltd
Contact Telephone Number	<i>mobile redacted</i> - (please note that I am a teacher the therefore unable to answer my phone between 9am-3.30pm)
Email Address	email addresses redacted
Name of Event	MINIFEST 2023
Location of Event	Poynings Grange Farm, Brighton, BN45 7AW
Date of Event	21st - 23rd July 2023
Contact Telephone Number on day of the event (if different to above)	Elodie Nelson - redacted (see note above) Simon Nelson - redacted Flossie Clark - redacted William Clark - redacted Toby Crowther - redacted

1. Event Overview

1.1 Event Overview

Please provide a description of your event	
<p>We run a small, invite-only, family-friendly music festival - this year a maximum of 500 people, of which almost half are children. We are well established as we have been running this event 12 times since 2009.</p> <p>We rent some field space from Toby Crowther at Poynings Grange Farm. There is a parking field, 1 camping field, and a field for the music and food areas. We organise a bar, a food area with local vendors, a stage, and some live and recorded music is on offer throughout the day and evening.</p> <p>People come from London and other parts of the country and camp on site for 2 nights. Further details about all these points are available in this document.</p> <p>This is our first event in West Sussex. We have been running this event successfully for several years In the New Forest, under a TEN initially as we had fewer than 500 people. In 2019, we ran this event with 700 people under a premises licence. Our event was sold out and licensed in 2020, but had to be cancelled due to Covid restrictions. Eventually, we ran a smaller (under 500 people) festival in September 2021. We have always complied with local health and environmental regulations in the New Forest area, and have never had a complaint in 13 years from local residents, the local police or the local authority.</p> <p>This year's event is planned for July 2023, under a TEN.</p>	

Please provide the following information about your event	
Event start time	Friday 21st July from 3pm
Event end time	Sunday 23rd July from 7pm

1.2 Event Itinerary

Please provide timings of your event including set up and break down timings	
Date / Time	Action
Thu 20/07	Glamping tents / stage and other marquees will be set up in the selected fields
Fri 21/07	Sound engineers will start their set up Organisers arrive in the morning to set up

Fri 21/07	Attendees start arriving from 3pm. Our busiest time is 5-9pm.
Sun 19/09	9am - cleaning crew comes in and starts clearing the site. Attendees will start leaving - from 12pm onwards, all afternoon. Organisers may stay for an extra night's camping but official music and festival activities will not be taking place.
Mon 24/07	Organisers check the site, have a debrief with Toby Crowther (landowner) and leave

1.3 Programme of Events

Please provide your programme of activities and the timings for the day, including any performances (e.g. the start and finish times of any musical performances)

Time	Activity
21/07 3pm-3am	3pm-7pm recorded music/playlist 7pm-11pm bands 11pm-1am DJs (decibel checks to manage sound levels) 1am-3am DJs (low volume including decibel checks)
22/07 11am-3am	11am-3pm DJs/talent show/kids disco 3pm-10pm bands 10pm-1am DJs (decibel checks to manage sound levels) 1am-3am DJs (low volumes including decibel checks)
23/07 12pm-5pm	12pm-5pm recorded music/playlist/acoustic artists/ chill DJs

1.4 Event Management

Roles and Responsibilities on Event Day (s)

Please provide a brief description of the roles of event staff and their main responsibilities. There may be other roles that are not listed here that are applicable to your event.

Please note: the role of stewards is covered in section 2.13 so there is no need to complete the role of stewards in this section

Role	Responsibilities
Event Organiser	Elodie Nelson
Event Chair	William Clark
Site Manager	Toby Crowther
Health & Safety Officer	Florence Clark

Arena/stage Manager	Simon Nelson
Steward Coordinator	Simon Nelson
Vendor Coordinator	Florence Clark
Shop Coordinator	Sonia Polowy
Kids Area Coordinator	Rohan Ochera
Tent Coordinator	Toby Crowther

1.5 Crowd Management

Please provide details on how you will manage the crowd at your event

Please note: the role of stewards is covered in section 2.13 so there is no need to complete the role of stewards in this section

Is your event ticketed? If yes, what arrangements are in place for this?

Minifest started as a private party and grew into a small ticketed event for friends and family. This year, we are operating under a TEN, i.e. a maximum of 500 people. Tickets are sold via a ticketing platform. We collect names and addresses, phone numbers and age of children. Attendees are issued with a ticket and bar code. We check against a list on entry. Uniquely designed wristbands are issued for easy identification.

How will you manage capacity at your event?

We have a strict 'not ticket, no entry' policy. The full address of the farm is not released publicly but in an email to attendees. We have security on arrival and throughout the weekend. The site is mostly outdoor (across 3 fields - a parking field, camping fields, and food/music field) with a stage inside a covered marquee / tent which may be open on some sides depending on weather. People are able to move freely and easily between areas. All the areas have larger capacities than the number of tickets sold.

How will you manage the access and egress of the crowd?

The field capacity accommodates many more people than our ticket sales. The marquee/ stage area (size 15mx12m - capacity 150/200) is open on some sides so the crowd can move freely. We do not expect all attendees to be watching bands / dancing to DJs all at the same time. The fields are very large in size and significantly exceed the expected number of attendees (maximum of 499).

1.6 Advertising

Please provide details of how you will advertise your event

How and where do you plan to advertise your event?

We do not advertise. Our event started as a festival for friends and has grown very

slowly over the last few years to include friends of friends.

Will the media be in attendance and if so how will you handle them?

No media expected

2. Site Management

2.1 Contractor Management

Please provide details of any contractors that will be involved with your event Please ensure that you check any safety documentation of contractors that you hire

Company	What are they providing/doing?
Toby Crowther	Shower block
GigLoo Hire More House Farm Lunces Hill Wivlesfield East Sussex RH17 7RE	Portaloos
BIFFA	Recycling and refuse bins around the food area
Show & Set Solutions Ltd 5 St Clements Close Earley Berkshire RG6 4BT	Security stewards
TentStyle Ltd Unit 1 The Byre Court Farm West Chiltington Lane Coneyhurst West Sussex RH14 9DL	Tent / stage

2.2 Traders

Please provide details of any traders/commercial traders and charity stalls that will be at your event
Please ensure that you check any safety documentation of traders

Name of Organisation	Concession Type
Tbc	Yoga class

Sale of Alcohol

If you are selling alcohol at your event, please contact the licensing department as you will require a temporary events notice.

Please explain below how you will manage the sale of alcohol.

The bar is managed by experienced traders who hold an alcohol licence. A temporary event licence (TEN) has also been applied for.

Poynings Grange Farm have their own vineyard and will manage the bar. Opening hours are still tbc.

Catering Requirements (Food, drink, water)

For each catering supplier/food stall that you have attending your event, please provide the following information:

- Name of Business
- Address of Business
- Contact telephone number
- Name of local authority that they are registered with
- National food hygiene rating (if available)

Vendors are sourced locally and have a specific area for their set up.

A full list of vendors and their details is being compiled.

We ask for a copy of their Food Hygiene certificates before the event.

2.3 Fencing and/or barriers

Please tell us if you plan to use any fencing and or barriers at your event including the type and their location

Please ensure that you check any safety documentation of contractors that you hire.

Poynings Grange Farm is a private farm. The right of way on the hiking path is marked by existing fences. The camping, food and music areas will be further demarcated by additional signage and ropes to make the boundaries clear. These signs, ropes and paths will be lit at night with fairy lights and some spotlights where necessary / possible.

2.4 Electricity, Water, Gas Supply and Generators

Please tell us if you plan to use electricity, water, gas supply or other flammable liquids at your event. If so, please tell us where these will be sourced and the processes in place to manage these.

Please tell us if you plan to use any generators at your event. If so, please tell us where these will be sourced and the processes in place to manage these, including the storage and management of fuel and other flammable liquids.

Please ensure that you check any safety documentation of contractors that you hire.

Sound engineers will use electricity points via a generator. Any additional equipment will be confirmed shortly. Discussions are ongoing with an electrician.

We expect to be using electricity points as follows:
Car parking field - spotlights and fairy lights
Camping field / shower block / loos - spotlights and fairy lights
Festival field - festoon and fairy lights
Stage - sound, lights and band equipment
Kids marquee (at night) - projector and lights
Food trucks - fridges and lights
Bar - lights

Water will be accessed via a mains outlet near the camping field. Loos and showers will be installed by a reputable contractor.

2.5 Temporary Structures

Please list any temporary structures that you will have at your event and where they will be located e.g. gazebos, marquees, staging
Please ensure that you check any safety documentation of contractors that you hire.

The Arts and Crafts tent is a non-permanent structure hired - this can be opened on all sides.
The food hub is a temporary structure (like a wedding marquee) erected by Toby Crowther - this is covered but not enclosed.
The stage is a temporary structure hired - this is in the stretch tent.
Glamping tents are erected by Poynings Grange Farm - these are allocated to single households.

2.6 Fire Safety

Please ensure that you have considered aspects related to fire safety at your event and provide detail here. Please ensure that you check any safety documentation of contractors that you hire.

Minifest will have clearly indicated fire equipment around the site - small extinguishers and fire blankets and sand buckets.
We run a fire safety risk assessment prior and during the event.
Campers are reminded at registration and throughout the weekend that fires are not allowed. BBQs are allowed but fire safety is discussed with attendees at registration.
A fire point will be clearly indicated and communicated to attendees at registration.

2.7 Musical Entertainment

Please tell us what entertainment you have arranged for your event i.e. Live music with amplification and how you manage noise disturbance and potential complaints.

Important notes:

- If you have live music you may require a Temporary Events Notice.
- It is your responsibility to inform the Performing Rights Society (www.prsformusic.com) if you are having live music at your event.
- Please ensure that you check any safety documentation of contractors that you

hire.
<p>Live music will be performed and DJs will play at our event, with amplification. We use reputable sound engineers. Live music takes place in the stretch tent. There is a playlist that is played around the site during the day, when no one is performing.</p> <p>We turn the music down and switch to smaller speakers at 1am both nights, subject to decibel monitoring.</p>

2.8 Medical and First Aid Cover

<p>Please provide details of the medical provider and resources that you have arranged to be at your event including their location (i.e. number of first aiders, doctors, ambulances etc.)</p>
<p>Our security staff is first aid trained (2 stewards at all time). We also have a A&E nurse who works throughout the weekend. Her details are published at registration. Several committee members are also first aid trained.</p>

2.9 Public Health and Welfare

<p>Please provide details of the arrangements you have made for the following:</p>
<p>Toilet Facilities</p> <p>Please provide details of sanitary arrangements, including: number, ratio of male to female and disabled, location, maintenance. Please bear in mind the opening times of public facilities. There may be a charge if toilets are required outside normal opening times (check with Dover District Council). If inadequate provisions are available this can lead to a risk of a disruption to public order and safety.</p>
<p>10 portaloos (mixed use) are spread across the site and serviced several times over the weekend by GigLoo. These toilets are in good working order, and comply with the regulations for disposal of blue waste. The waste is disposed of by a licensed waste company.</p>
<p>Waste Disposal</p> <p>Please provide details of the arrangements made for waste disposal, rubbish bins and litter collection at your event. As the event organiser you are responsible for arranging the disposal of waste. Any trade waste must be removed by a registered trade waste contractor. Dover District Council is NOT responsible for arranging waste disposal at your event.</p>
<p>BIFFA - booking in progress</p>
<p>As the event organiser if you anticipate that any waste bins within the event area may get full please indicate the position of these bins on the event site plan. If extra 'wheelie' bins are required in those areas, please state below how many and where.</p>
<p>We have a no glass on site policy. The organisers will keep an eye on the amount of waste in all areas. We encourage our Minifesters to reduce, reuse and recycle where possible. There will be big bins dotted around the site.</p>

Noise Management

Please provide details of the arrangements made for minimising noise disruption at your event, particularly if you are having live, amplified music.

We turn the music down and switch to smaller speakers at 1am on both nights, subject to decibel monitoring. We have free ear plugs available at registration.

2.10 Accessibility

Please tell us how you have made your event accessible and provide details here. e.g. Accessible toilets provided, Accessible parking, Ramped access

We do have some attendees with mobility issues or disabilities. We communicate with them beforehand to check on their needs and act accordingly. We will have at least 1 accessible toilet and shower.

2.11 Steward and Marshal Management

Please provide details of the arrangements you have made for stewards at your event

What are the roles and responsibilities of your stewards?

Ticket check
Parking
Security
First Aid
Public disorder risk management
Support with lost children
Support with Fire safety
Equipment security

Where will they be positioned and why?

On the access road on arrival
In the car park
Roaming the site once all arrivals have been dealt with
Watching the car park and equipment during the night

Who are your stewards? How will they be identified?

We do not require names, just where you have recruited them from.

We are hiring a total of 2 stewards from tbc (in discussion)

Will you be using Security Industry Authority (SIA) qualified security staff? If so, what will their role be?

tbc
How will your stewards be trained?
Site visit in advance and early arrival for briefing on Friday 21st July.
When will your stewards be briefed? Please provide a copy of the information that will be given to Stewards (briefing document)
A copy of this document will be provided as well as a verbal brief.
How will the event team and the stewards (including traffic stewards) communicate with each other on the day of the event?
Walkie Talkies / PA system / megaphone

3. Incident Management

This is a family-friendly festival where all attendees are pre-registered. Most attendees come from the same area in London, the children are mostly all known to each other as they attend the same schools. The event is not open to the public - only referred friends of previous attendees. People are encouraged to take part in running the festival and supporting the organisers. We supplement this self-policing aspect with paid professional security and healthcare workers. The farmer stays closely in touch at all times by phone in case of difficulties and is fully aware of all local amenities - e.g. hospitals/police. In our previous location, local police and local authority representatives have been invited to visit the event, in order to build relations with the local law enforcement.

3.1 Welfare of Children

Please provide details of how you would deal with a lost or found child or vulnerable person at your event. Please include the following:
 What is your procedure?
 Who is the designated person in charge of this?
 Where is the rendezvous point?
 How will announcements be made?

Lost children or vulnerable persons can be reported to any committee member or member of the security team. These will be easily identifiable. The RV point is the registration desk / shop / First Aid station.
 Announcements can be broadcast through the PA system and a megaphone.

3.2 Incident Reporting and Investigation

Please provide details of the system you have in place for reporting and recording accidents and incidents at your event

We have a registration desk - that is monitored most of the weekend, and a first aid station in the stretch tent and camping field. The phone numbers of organisers are published. Committee members and security staff will also be easily identifiable. Walkie Talkies will be in use so we can be contacted quickly.

Once reported, any incidents will be recorded in note form on a phone / email. Advice will be taken from either the site owner, the event organiser, the A&E nurse or the security provider (depending on the nature of the incident) - external services will then be contacted if needed.

3.3 Communication with the Public

Please provide details of how you will communicate with members of the public on the day of the event in the case of an emergency.

It is advisable to have emergency messages scripted before the event for use on the day

Any emergency announcements can be broadcast through the PA system and a megaphone. We will script some emergency messages shortly.

3.4 Emergency Plans

IMPORTANT NOTE:

It is not the responsibility of the Event Manager/Organiser to run an emergency procedure. If an emergency is to be declared then operational command will fall to Kent Police. However, procedures need to be in place so that emergencies can be dealt with responsibly until the emergency services arrive.

It is important that you set out your procedures carefully and brief all event staff, contractors and volunteers so that they are clear and widely understood.

In this situation we would advise that the decision is clearly recorded, including who took it, what time it was taken, and why it was taken.

Please provide details of your emergency plan for the event

It is your responsibility under Health and Safety, and the practice of a Risk Assessment, to consider the 'what if's' at your event (i.e. contingency planning).

What are your contingency plans for situations, such as:

Need for evacuation, fire, power failure, collapse of a temporary structure, road traffic collision, medical emergency, fatality, adverse weather conditions, key location becomes unavailable, cancellation prior to or during?

This is not an exhaustive list and the specific nature of your event will suggest others.

We conduct a health and safety risk assessment in advance of, at the start and during the event. The sound engineers, food vendors, area managers and security staff also conduct and advise on their own assessment. Toby Crowther conducts his own rigorous health and safety checks and monitors the premises throughout the event.

At your event, who will be responsible for determining that an incident is now a major incident or emergency and will take responsibility for decisions until the emergency services arrive and take control?
Toby Crowther / Elodie Nelson / Simon Nelson / Florence Clark
Who will report this to the emergency services?
Toby Crowther / Elodie Nelson / Simon Nelson / Florence Clark
What systems do you have in place to contact the local emergency services?
Phone
Who will liaise with the emergency services when they get to the site?
Toby Crowther / Elodie Nelson / Simon Nelson / Florence Clark
What entrance/access point should the emergency services use that is safe and can be kept clear of crowds for them to get to the incident?
There is a road off the highway to access the farm. This is kept clear at all times. Emergency vehicles will be able to access the field area quickly and effectively as we have a no car policy near the stage and camping fields.
Who will be responsible for crowd control during an incident?
Toby Crowther / Elodie Nelson / Simon Nelson / Florence Clark
If required, how would you evacuate your event? What steps would you take?
<i>We would gather in a neighbouring field - this question is currently being investigated.</i>
How will you communicate the evacuation instruction to your audience?
<i>Emergency meeting point (once agreed will be highlighted at registration) / PA system / organisers and security staff marshalling people.</i>
Please provide details of any emergency signage that will be used at your event (i.e. emergency exit signs)
We use a variety of signage to ensure safety, including emergency exits, fire safety messages etc

4. Traffic Management

4.1 Traffic Management

Please answer the following questions in detail regarding traffic management at your event
Is your event taking place on or off the Highway?

Off the Highway	
What is the best route for traffic to take in order to get to your event? How will this be communicated?	
<p>There is a short path off the highway to reach the parking field. At peak times, there may be up to 10 cars queuing up along the off road (this is a maximum as arrival times are quite spread out). The field we will use for car parking is vast and is often used for huge car boot sales, where payment and registration is required before parking - we have been advised that queues on the main road are extremely unlikely as as many as 20 cars can queue safely off road..</p> <p>Once tickets have been checked, cars are directed towards the car park - this a quick name check - further identity checks are conducted at registration. A separate pedestrian exit is provided so people can exit the car park towards the camping field safely. We expect approximately 100 cars. Peak time is usually between 3-8pm. We use signage and stewards along the road.</p>	
What is the best and safest route for traffic to exit your event? How will this be communicated?	
The same road is used for exit. Again, we have signage and stewards along the road. Departures are spread out over the day.	
In the interest of pedestrian safety, how will pedestrians interact with vehicle movement? Please include information about how they will cross open roads safely.	
There are no open roads where the event takes place. There will be no cars in the camping or festival fields.	
What have you done to liaise with and inform local residents and businesses about the impact to local roads?	
An information notice has been distributed by Toby Crowther. Further communication will take place nearer the time.	
Can people enter your event without causing an obstruction on the road?	
Yes - off road parking on a separate field to the music and camping areas.	
How have you considered the impact that your event will have on public transport? Have you informed your local bus/rail/taxi company?	
We usually contact a local cab company to check whether they are happy for us to share their details with our attendees who come by train. Brighton station also has many cab companies operating locally.	
If you are providing off-road parking, please complete the information below:	
Location	Separate field
Number of spaces	Approximately 100 places

How will the area be managed?	Stewards and overnight security
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5. Event Safety Measures (Covid-19)

Please provide full details of what control measures will be in place to ensure the safety of members of the public and staff/volunteers at your event in line with current Government guidelines on Covid-19

We have conducted a Covid-19 risk assessment and safety checklist (see attached) and added relevant points to our general event risk assessment (also attached).

These are repeated below:

Ts & Cs widely published and made to be read and accepted at booking point (on all ticket types).

These detail the public's responsibility in attending and taking reasonable precautions. We have a track and trace capability as names and contact details are taken at booking point.

Require staff and event-goers to stay home if they have experienced COVID-19 symptoms in the past 14 days, have been diagnosed with COVID-19 in the past 14-days, or have had contact with a known or suspected COVID-19 case.

Provide access to hand-washing stations with soap and water or hand sanitiser containing at least 60% alcohol if the former is unavailable.

Provide instructions on proper handwashing at handwashing stations.

If an event-goer displays symptoms, separate the event-goer from others until they can go home, contact local health officials, communicate potential exposure to staff and event goers, and clean and disinfect the event space.

Clean and disinfect surfaces and spaces throughout.

Create a medical response plan, including how to isolate and transport staff or attendees. Spray signage on floor to organise distancing in food area and when queuing for food vendors.

Food vendors to support the regulation of queues accordingly.

Create a plan for contacting event-goers after the event, should it become necessary to notify them of exposure to COVID-19.

Appendices

i. Site Map

Please provide a site map of your event site

ii. Risk Assessment

Please complete an event specific risk assessment including a fire risk assessment

iii. Public Liability Insurance

Please provide a copy of your public liability insurance certificate (for a minimum of £5 million)

I have a quote, but this has not yet been paid for.

We will be insuring the event with *event-insurance.co.uk*

iiii. Road Closure Documents (if applicable)

- A copy of valid Public Liability Insurance (£5 million minimum)
- Health and Safety Risk Assessments including reference to risks on the Highway
- Signage Schedule (Map and indication of where signs will go)
- Plan of diversion route (if applicable)

Event Safety Generic Risk assessment

This example event risk assessment is for a small music festival held on a farm site for up to a maximum of 499 attendees.

Event Name	Minifest 2023
Date of Assessment	16/03/2023
Version	1
Review Date	ongoing and on date of event: 21st-23rd July 2023
Assessment carried out by	Elodie Nelson

What are the hazards?	Who might be harmed and how?	What are you doing already?	What further action is necessary?	Action by who?	Action by when?	Done
Workplace transport	Workers and others risk serious, possibly fatal, injuries if struck by a vehicle.	Workers (farm staff) trained by competent person to operate work vehicles and forklift trucks. All work vehicles maintained and inspected according to manufacturers' instructions. Workers wear lap belts when using vehicles. High visibility vests available and worn as necessary, eg night time	Introduce a one-way traffic flow system. Introduce speed limit. Arrange for servicing of toilets and collection of waste only for loos located within easy access when the public are on site. Prohibit all other vehicle movements other than emergency services when the public are on the site	Toilet Contractors SN		
Pedestrian/Vehicle conflict	Workers and others risk serious, possibly fatal, injuries if struck by a vehicle in a car park or on the highway.	Car parking stewarded and off site. Road access gated to avoid attendees wandering into road. Event off road to minimise any other road users.	Arrange lighting in the car park field.	SN TC EN WC FC		

Slips, Trips and Falls	Workers and visitors risk serious injury if they slip or trip, even on the level.	Floors in marquees and other structures laid by a competent person. Steps, changes in level and other tripping hazards fenced if not in use. Marquee pegs protected by foam and guy ropes etc highlighted in public areas Good housekeeping – staff ‘see it and sort it’.	Temporary lighting provided to walkways, toilets and general areas in use by the public after dark.			
Collapse of Structures	Workers and others risk serious, possibly fatal injury if fixed structures collapse.	Stages and marquees to be erected by a competent person/contractor. Daily checks made on all structures by a competent person.	There is a need to check weather forecast daily. Make contingency plans to enable closure of structure in adverse weather conditions.	Marquee contractors TC SN		
Hearing Damage	Staff might suffer permanent or temporary hearing damage from long term exposure to loud music. All staff assumed to be at risk, particularly performers, stewards and bar staff.	Staff rotation between quiet and noisy areas. Staff trained in noise risks and the protective measures needed. Staff known to be particularly at risk identified and provided with ear plugs.		ALL		
Hearing Damage	The public might suffer permanent or temporary hearing damage from exposure to loud music.	Ensure the event equivalent continuous sound level (Event Leq) in any part of the audience area does not exceed 107 dB (A), and the peak sound pressure level does not exceed 140 dB. Warnings provided to the public with in advance with tickets and by signage at the entrance.	Music is turned down and switched to smaller speakers at 1am on both nights, subject to decibel monitoring.	SN WC		

Medical Emergency	Workers and others could become seriously ill if no emergency first aid available.	First Aid point provided for the public with a minimum of two first aiders for events of up to 500 attendees Access to water and medical supplies Access for emergency services	Gather phone numbers for display in registration, First Aid and food areas. Organisers and security staff to be easily identifiable.	ALL		
Lack of access for emergency services	Staff, public, contractors may suffer from delay	Clear route kept for emergency vehicles to first aid point				
Lost Children	Children and parents can become separated	All staff and stewards made aware of the Lost Child policy. Person responsible for lost children to be CRB checked		EN FC		
Electrical Danger	Staff and public may suffer serious and possibly fatal electric shock/burns injuries from faulty electrical equipment or installation.	All electrical systems should be constructed and maintained in a condition suitable for use in the open air and will be protected as necessary by 30mA residual current circuit breakers. All generators, distribution boxes etc to be fenced and away from public. A competent person should certify all electrical installation as to their safety on completion. Certificate to be kept at the event. All electrical equipment to be PAT tested.	Contractors and performers reminded to ensure any electrical equipment they bring to the event is PAT tested.	SN WC TC		
Fire Safety	If trapped, staff and others risk serious, possibly fatal injuries from smoke inhalation or burns	Fire risk assessment done, following Fire Risk assessments and Fire Management Plan guidance – available on the Communities website http://www.communities.gov.uk/fire/fire-safety/firesafetylaw/ and necessary action taken	Fire stewards to check fire exits and keep exits clear during performances Clearly indicated fire equipment around the site - small extinguishers and fire blankets and sand buckets.	ALL		

			No fire policy, BBQs are allowed but fire safety is discussed. Fire point easily identifiable and communicated at registration.			
Gas Safety	Staff and others risk injury from fire and explosion if gas appliances not properly maintained and used.	Food Vendors using LPG to be required to ensure their gas installation and equipment has been installed and checked within the last twelve months by a "Gas Safety Register" approved contractor. Compliance certificates to be kept on food stall. Food vendors to be reminded of the need to ensure staff changing LPG cylinders are trained to do so. Food vendors only allowed to have one day's supply of LPG at their stall.	Make arrangements to check food vendors are complying with gas safety requirements.	Food Vendors WC?		
Fireworks	Danger from fire, explosion, direct impact and panic	NOT TO BE USED WITHOUT PERMISSION OF LICENSING AUTHORITY ASSESSMENT OF SUITABILITY OF VENUE BY COMPETENT PERSON, FULL RISK ASSESSMENT AND COMPLIANCE WITH HSE GUIDANCE (HS(G) 123/124).				
Lasers and other special effects	Staff and public may suffer eye damage if used improperly.	NOT TO BE USED WITHOUT PERMISSION OF LICENSING AUTHORITY. ASSESSMENT OF SUITABILITY OF VENUE BY COMPETENT PERSON, FULL RISK ASSESSMENT AND COMPLIANCE WITH HSE GUIDANCE HS(G) 95.2				

Food poisoning	Workers and the public risk ill health if they eat food prepared in unhygienic conditions.	Only reputable caterers to be used at the event whose business is registered with their Local Authority. Food traders required to bring copies of their employees' food hygiene training certificates and their food safety management system with them to event.	Check food vendors certificates	WC?		
Public Disorder	Staff and the public risk serious injury, if assaulted or if caught up in incidents of disorder.	Staff trained to spot potential trouble makers, defuse tension/situations etc throughout. Control of numbers at event particularly in performance areas and marquees. Drinks not served to people obviously under the influence.	A code of conduct is discussed at registration.	ALL		
Poor supervision of children	Lost children / damage to premises	Parents informed at booking and registration that they are responsible for the supervision of their children. Good housekeeping – staff and public 'see it and sort it'.		EN FC		
Work at height	Workers and others risk serious, possibly fatal, injuries if they fall from height.	Stages and marquees to be erected by a competent person/contractor. Risk assessments/method statements of contractors checked for safe systems of work before the event. All work at height assessed on an individual task basis. Suitable ladders, in good condition and suitable for heavy work, provided and workers are trained know how to use them.				
Manual Handling	Workers may get musculoskeletal problems, eg back pain from handling	All work involving manual handling assessed on an individual task basis.	Ensure new staff are shown how to use the manual handing aids.			

	heavy and/or awkward objects.	Risk assessments/method statements of contractors checked for safe systems of work before the event. Only trained staff involved in manual handling. Aids to manual handling including fork lift truck and a range of heavy duty sack truck and trolleys available for staff.				
Unauthorised access to car park / premises	Staff, public, contractors may suffer from property damage /theft	Private, invite-only event. Venue not advertised on main road. Staff, public and contractors always on site.				
Disposal of waste	Fire or health risk to staff, public, contractors and premises	Waste management planned. Recycling policy in place. Information provided to the public with in advance with tickets and by signage at the entrance				
Covid-19	Health risk to staff, public or contractors	Ts & Cs widely published and made to be read and accepted at booking point (on all ticket types). These detail public's responsibility in attending and taking reasonable precautions. We have a track and trace capability as names and contact details are taken at booking point. Require staff and event-goers to stay home if they have experienced COVID-19 symptoms in the past 14 days, have been diagnosed with COVID-19 in the past 14-days, or have had contact with a known or suspected COVID-19 case.				

		<p>Provide access to hand-washing stations with soap and water or hand sanitiser containing at least 60% alcohol if the former is unavailable. Provide instructions on proper handwashing at handwashing stations.</p> <p>If an event-goer displays symptoms, separate the event-goer from others until they can go home, contact local health officials, communicate potential exposure to staff and event-goers, and clean and disinfect the event space.</p> <p>Clean and disinfect surfaces and spaces throughout.</p>				
Wildlife and habitat protection		<p>Poynings Grange Farm are completely clean and work hard to conserve and improve habitat for wildlife.</p> <p>As such, the farm only occasionally hosts events with temporary camping such as ours, with a regulated number of people.</p>				

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31st March 2023

Mr Jon Bryant
Senior Licensing Officer
Mid Sussex District Council
Oaklands
Oaklands Road
Haywards Heath
West Sussex
RH16 1SS

Dear Mr Bryant,

RE: TEMPORARY EVENT NOTICE FOR MS ELODIE NELSON AT POYNINGS GRANGE FARM, HENFIELD ROAD, POYNINGS, BN45 7AW. FRIDAY 21ST JULY TO SUNDAY 24TH JULY 2023.

NOTICE OF OBJECTION UNDER SECTION 104 (2) OF THE LICENSING ACT 2003

Notice of objection is hereby given on behalf of the Chief Officer of Police for Sussex for the above Temporary Event Notice (TEN) on the grounds of the prevention of crime and disorder and public safety.

The TENS notice advises the notice givers' intention to:

- The sale of retail of alcohol
- The provision of regulated entertainment

Sussex Police Headquarters
Malling House Malling, Lewes, East Sussex, BN7 2DZ

Telephone: 101 | 01273470101

- The provision of late night refreshment

for 499 people.

The proposed event is a three day festival on farm land at Poynings Farm. The event is described in the TEN application as a “small , family-friendly, invite-only music festival”.

We have received a written event management plan for this event. Under security and marshal management there is discussion about hiring two stewards but this is with the proviso that it is to be confirmed. Under the specific question of whether Security Industry Authority security staff will be deployed, the response is again “to be confirmed”.

Under the section in the event management plan headed incident management, it is stated that all attendees will be pre registered and the event is not open to the public. The section states “in our previous location, local police and local authority representatives have been invited to visit the event, in order to build relations with the local law enforcement”.

Whilst we appreciate the sentiment expressed, Sussex police have serious concerns about this event. If there is no proper security on site, due to the remote location of the site it may not be possible for police to attend immediately regardless of what relations we have built with the organizer beforehand. From our experience with similar events in Sussex, we fear that the organizer is being somewhat naive in their approach with who may turn up at the event. Our experience is that often, especially with social media being used to rapidly spread news of events which some people may mistakenly believe is a “rave”, people can turn up at events who are not invited but who are insistent on coming in.

There is a further Event Safety Generic Risk Assessment document provided by the applicant, under the heading “public order – staff and the public risk serious injury, if assaulted or if caught up in incidents of disorder”, it is stated that “a code of conduct is discussed at registration”. This is again a nice sentiment, but our fear is this approach is frighteningly naïve in the event that there is disorder at the event and there is no SIA registered door staff in adequate numbers, or uninvited persons or groups arrive at the event who have no interest in a code of conduct or any intention of adhering to such a code and either force their way in, or simply gain access via bypassing the entrance at this open site.

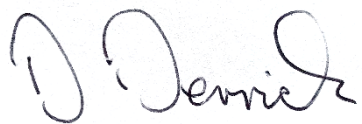
The Chief Officer of Police contends that permitting the premises to be used in accordance with the TENS notice is likely to lead to crime and disorder and a risk to public safety. We therefore ask that a Counter Notice for the TEN is issued by the Licensing Authority Committee. I confirm that a copy of this objection letter has been sent by email to the applicant and every other ‘relevant person’.

Yours sincerely,

Sussex Police Headquarters

Malling House Malling, Lewes, East Sussex, BN7 2DZ

Telephone: 101 | 01273470101



Inspector David Derrick CD295
West Sussex Licensing Inspector
Sussex Police

cc: Applicant for the TEN: Ms Nelson

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Contact: Mr Adam Dracott
Direct Line: 01444 477382
Email: adam.dracott@midsussex.gov.uk

Our Ref: SR/23/1074
Your Ref: LI/23/0451

Date: 29 March 2023

Mr J Bryant
Senior Licensing Officer
Mid Sussex District Council
Oaklands
Haywards Heath
West Sussex
RH16 1SS

Dear Jon

**Temporary Event Notice for event at Poynings Grange Farm between 21-24 July 2023
Notice of Objection under Section 104 of the Licensing Act 2003**

Notice of objection is hereby given by the Environmental Protection Team at Mid Sussex District Council for the above Temporary Event Notice on the grounds of the prevention of public nuisance, the protection of children from harm and public safety.

The Temporary Event Notice by the applicant is giving notice that the music festival event will take place on Friday 21 July 2023 from 1000 to 0300 the following morning; continuing on Saturday 22 July 2023 from 1000 to 0300 the following morning. It is not clear from the application what the activities will be on-site on Sunday and Monday, 23 and 24 July 2023.

To allow this would give permission for nearby residents to be exposed to 34 hours of music over one weekend not only during the day but also extending deep into the night period. Not only would the evening period be hugely impacted but a total of 8 hours of music in the night-time period is being requested. Sleep disturbance is likely and for prolonged periods over consecutive nights on one weekend.

Noise and disturbance from recorded and/or live amplified music; people talking, shouting and singing; vehicles and attendees arriving and leaving the site, particularly late at night; and clearing up, bottling out and preparing the area for the next day; are all likely to have an impact on nearby residents. The drinking time proposed amounts to 12 hours on the Friday and 12 hours on Saturday. Controlling noise emissions from music and people becomes increasingly difficult with increased alcohol consumption.

The applicant has not provided any details as to the layout of the site in relation to the proposed entertainment, the location of the stage(s), the orientation of the speaker stacks, the type of music and the event management procedures. There are no details of the proposed mitigation measures to reduce the deleterious effects on nearby residents especially given that the background noise levels in the area are extremely low and any noise emissions will be highly noticeable.

The event as proposed would extend late into the evening and night and there has been no details provided how the site and the activities will be operated to manage the safety risks. For example, there is no lighting plan to ensure attendees can safely traverse the site; there is no fire safety plan; there are no risk assessments etc.

The applicant is stating that this is a family-friendly event and there is therefore the expectation that children will be present throughout the event. Given that the proposal is to have regulated entertainment up to 0300, I am concerned for the welfare of children. Their sleep is likely to be severely affected and their safety could be compromised if the adults (parents/carers), while enjoying the entertainment, are not able to watch over them.

It is my opinion that if this event was to take place as proposed by this Temporary Event Notice then this is likely to cause public nuisance, compromise public safety and it risks exposing children to harm. The Environmental Protection Team therefore ask that a Counter Notice for this TEN is issued by the Licensing Authority.

Yours sincerely



Adam Dracott, Team leader Environmental Protection

c.c. West Sussex Licensing Inspector, Sussex Police, Centenary House, Durrington Lane
Elodie Nelson, 6 Felbridge Close, Streatham, London SW16 2RH