

**LICENSING ACT 2003  
APPLICATION FOR A NEW PREMISES LICENCE  
SECRET GARDEN PARTY, ABBOTS RIPTON  
(Report by Head of Legal and Democratic Services)**

**1. INTRODUCTION**

- 1.1 To consider and determine this application for a new premises licence for the Secret Garden Party, Abbots Ripton Hall, Abbots Ripton, taking into account the policy considerations detailed in paragraph 2 of the report and the representations of the persons detailed in paragraph 5. A copy of the application and plan will be made available at the hearing.
- 1.2 Jeffrey Green Russell, solicitors acting for Backwoodsman Limited, the applicant, are seeking a new premises licence for the Secret Garden Party, as detailed in the application and plans.

**2. GENERAL DUTY/ POLICY CONSIDERATIONS**

- 2.1 The Sub-Committee is reminded that the licensing authority must carry out its functions under the Act with a view to promoting the licensing objectives which are –
- (a) the prevention of crime and disorder,
  - (b) public safety,
  - (c) the prevention of public nuisance, and
  - (d) the protection of children from harm.
- 2.2 The licensing authority must also have regard to –
- (a) its statement of licensing policy, and
  - (b) any statutory guidance issued under Section 182 of the Licensing Act 2003.

**3. BACKGROUND**

- 3.1 Backwoodsman Limited currently holds an existing premises licence ref:HDC/PRE00511, granted on 1<sup>st</sup> February 2010 for a capacity of 17,000 patrons and 9,000 staff/performers/crew, with no expiry date attached.
- 3.2 A further licence ref:HDC/PRE00593 was granted on 26<sup>th</sup> January 2012 with an increased capacity of 32,000, comprising 21,000 patrons and 11,000 staff/performers/crew and a change to the licence boundary. The licence was granted for a period of two years with an expiry date of 31<sup>st</sup> January 2014.
- 3.2 This application seeks a new premises licence ref:HDC/PRE00639, providing licensable activities on up to 5 days in any calendar year. The individual activities and times requested are detailed in Appendix 1 to the application. The licence is requested for a total capacity of 32,000 persons, of which the maximum number of paying public and guests will be limited to 21,000. The application requests a licence commencement date of 6<sup>th</sup> March 2014, with no

expiry date stated. If the new licence is granted, then the indication is that the existing licence ref:HDC/PRE00511 will be surrendered.

#### **4. LICENSING OBJECTIVES ADDRESSED BY THE APPLICANT**

- 4.1 The operating schedule submitted by the applicant in Part P of the application addresses the four licensing objectives. Paragraphs 8.34-8.41 and Section 10 of the government guidance refer to the operating schedule and licence conditions. Conditions attached to the premises licence should be appropriate, proportionate and justifiable in meeting the licensing objectives, be readily understood and enforceable.
- 4.2 The applicant has proposed a number of conditions attached as Appendix 3 to the application and a document entitled 'Event Proposal and Management Policies' as Appendix 2 to the application. Appendix 2 is a 'living' document which is subject to constant review and improvement and therefore does not form a part of the operating schedule, although the proposals submitted within the document shall be conditions of the licence and will be submitted in final format 3 months before the event is to take place.

#### **5. REPRESENTATIONS**

- 5.1 During the period for the receipt of representations, no representations were received from the Responsible Authorities. Mediation took place between the applicant and Environmental Health, with the result that conditions 12,13 and 15 should now read as follows:

##### **Condition 12**

In each year a Secret Garden Party event is proposed, a noise management strategy shall be submitted to the Head of Environmental and Community Health Services at least six weeks prior to the event taking place. The strategy shall identify the location, hours of operation, the direction of the sound system and maximum sound energy output of all the significant noise sources proposed for the event. The strategy shall detail the proposed noise attenuation mechanisms to be employed during the event, the location of the noise monitoring points and the procedure for ensuring that the noise control levels set at noise sensitive locations are complied with. The noise management strategy shall be agreed by the Head of Environmental and Community Health Services prior to the event taking place.

##### **Condition 13**

Prior to the commencement of each Secret Garden Party event, the noise control levels applicable at the noise sensitive locations identified in the noise management strategy shall be set by the Head of Environmental and Community Health Services in consultation with Backwoodsman Limited. The noise control levels set shall apply throughout the duration of the event and shall not be exceeded without the prior agreement of the Head of Environmental and Community Health Services or her representative. In the event of extraordinary circumstances, the Head of Environmental and Community Health Services or her representative reserve the right to vary the noise control levels during the event where it is evident that the existing noise control levels are not sufficient to prevent noise originating on the Secret Garden Party site from causing a public nuisance to residents in the vicinity of the event.

##### **Condition 15**

Four Class 1 noise analysers conforming to BS-EN 61672-3 or other equivalent standard in force capable of recording and reporting on the noise indices relevant to the noise control levels set by the Head of Environmental and Community Health Services, shall be installed by the licence holder for the duration of the licensed event and shall be monitored continuously by the licence holder throughout the event. One device shall be located in each of the villages of Abbots Ripton and Wennington and two in Kings Ripton at locations to be agreed with the District Council's Head of Environmental and Community Health Services prior to the commencement of the event. Data relevant to the noise control levels set by the Head of Environmental and Community Health Services acquired by the aforementioned noise analysers shall be submitted to the Licensing Authority within a period of one month following the end date of each event.

5.2 Two representations were received by the licensing authority from other persons, one in support, one against. The representations have been attached in their entirety. Not all matters raised within the representations may be relevant matters for consideration under the Licensing Act 2003.

5.2 Any person submitting a representation is entitled to address the Licensing Sub-Committee at the hearing and ask questions of any other party appearing at the hearing.

## **6. ACTION BY THE LICENSING AUTHORITY**

6.1 The Licensing Authority has a duty under the Licensing Act 2003 by promoting the Licensing Objectives. Each objective has equal importance. In carrying out its licensing functions, the Licensing Authority must also have regard to its Statement of Licensing Policy, any Statutory Guidance under the Licensing Act 2003 and is bound by the Human Rights Act 1988. The Council must also fulfil its obligations under Section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder in its district.

## **7. OPTIONS**

7.1 Having regard to the representations and supporting documentation contained and attached to this report and any other information presented at the hearing, the Licensing Sub-Committee must take such steps as it considers necessary for the promotion of the licensing objectives. The steps are to grant the licence subject to conditions, modified as necessary, to exclude a licensable activity, or to reject the application. Conditions are modified if they are altered, omitted or any new condition added (Licensing Act 2003 section 18(4) & (5)).

7.2 The Sub-Committee may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and is satisfied as a result of the hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the licensing objectives. It is possible that where there are other legislative provisions that are relevant and must be observed, no additional conditions are appropriate. Licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned and should be determined on a case-by-case basis. (Section 182 guidance 10.8- 10.10)

## **8. RECOMMENDATION**

8.1 That Members determine the application on its individual merits.

## **BACKGROUND INFORMATION**

Licensing Act 2003.

Guidance issued under section 182 of the Licensing Act 2003.

The Council's Statement of Licensing Policy.

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