

**Minutes of the Licensing Sub-Committee
26 January 2024**

Present:

Councillor S.A. Dunn (Chair)

Councillor R. Chandler and O. Rybinski

In attendance for the applicant:

Dik Gregory
Martin Gammon
Elliot Gregory

In attendance for the local licensing authority:

Tracey Willmott-French, Senior Environmental Health Manager

1/24 Disclosures of Interest

Councillor Dunn declared that she knew one of the attendees through local politics, but was open-minded and impartial for consideration of the application.

2/24 To consider an application for a Premises Licence at Shepperton Village Fair, Manor Park, Shepperton, TW17 9JT in the light of representations

The Chair introduced the members and officers present and welcomed everyone to the meeting.

The Chair asked all parties present to introduce themselves. She then explained the procedure to be followed at the hearing.

The Council's Senior Environmental Health Manager summarised the application which was set out in full in the report.

The hearing continued in accordance with procedure.

Having heard the evidence presented, the Sub-Committee retired to consider and determine the application, having regard to the licensing objectives on prevention of crime and disorder, protection of children from harm, and public safety.

Upon reconvening, the Chair gave the Sub-Committee decision.

The full decision with reasons would be notified to the applicant and other parties within five working days of the hearing.

Resolved that the Premises License at Shepperton Village Fair, Manor Park, Shepperton be granted subject to conditions, as set out in full in the attached Decision Notice.

Please reply to:

Contact: Christeen Abee
Service: Committee Services
Direct line: 01784 444229
E-mail: c.abee@spelthorne.gov.uk
Our ref: LIC/SVF
Date: 2 February 2024

SPELTHORNE BOROUGH COUNCIL

DECISION NOTICE

In accordance with the LICENSING ACT 2003 s.23

Date of Licensing Sub-Committee: 26 January 2024
Applicant: Shepperton Village Fair Ltd
Premises: Manor Park,
Shepperton
TW17 9JT

REASON(S) FOR HEARING: Relevant representations received from other parties concerning Prevention of Crime and Disorder, Protection of Children from Harm, and Public Safety

- potential for increase in the numbers attending the event due to the sale of alcohol
- detriment to other local businesses

DECISION

Granted

With effect 26 January 2024

REASONS FOR DECISION

1. The application is for a premises licence at Manor Park, Shepperton, TW17 9JT

Background

2. At the hearing Friday 26 January 2024, the sub-committee heard from the following people: Mr Dik Gregory, Mr Martin Gammon, and Mr Elliot Gregory on behalf of Shepperton Village Fair Ltd, and the Licensing Department Representative. Two representations were received against the application being granted and both objectors did not attend to give oral evidence at the hearing. No representations were received from responsible authorities. All relevant written submissions have been considered.

Evidence

3. The Licensing Sub-Committee considered all of the relevant evidence made available to it at the hearing including:
 - The Report and attached appendices of the Licensing Manager outlining the matter to be considered
 - Written representations from two interested parties.
 - The Applicant's verbal submission at the Hearing.
4. In considering all of this evidence, the Sub-Committee has taken into account the Regulations and National Guidance under the Licensing Act 2003 and Spelthorne Borough Council's Statement of Licensing Policy.

Application

5. The application being considered was for a new premises license submitted by the Shepperton Village Fair Ltd ("the Applicant") to obtain a licence for the supply of alcohol and regulated entertainment for one Saturday in June between the hours of 11am to 6pm. The site to be licensed related to Manor Park in its entirety other than car parks.
6. The public was consulted in accordance with the Licensing Act 2003.
7. The application generated two representations from other parties. No representations were received from any of the Responsible Authorities.

EVIDENCE

Legal Matters

8. The Sub-Committee had due regard to:-
 1. The provisions of the Licensing Act 2003 which confer the powers of the Licensing Authority to deal with the application.
 2. The obligation to promote the four licensing objectives.
 3. The relevant sections of the Council's Statement of Licensing Policy and Statutory Guidance.
9. The Licensing Sub-Committee considered that it must carry out its functions with a view to promoting the four licensing objectives, as set out in Section 4(2) of the 2003 Act.

Applicant Submissions

10. 2024 will be 50th Shepperton village fair and continues to be large iconic community event that draws on community spirit and helps sustain it.
11. The main fair site is Manor Park –with a raft race taking place on the nearby riverside site. The Applicant being the Chair of a committee of local residents for some 24 years. The Applicant, taking care to blend familiar aspects of fair with new to keep things engaging for attendees. Affording local businesses, schools, etc. the opportunity to participate. After an intervening 10 years, the Applicant also wish to reintroduce sales of alcohol. In this regard the Red Lion in Shepperton have been approached, who subject to license being granted have agreed to operate the industry recognised challenge 25 and over 21 sales policies by trained staff.
12. Additionally, SIA security staff will be present throughout to promote the licensing objectives. Such additional staff have been agreed with the Surrey Police.
13. The suspension of alcohol sales arose in 2013 following an incident away from main fair site some 45 minutes after fair ended. The instigators arrived by boat, and if alcohol was involved, this had not been sold at the fair. There were no recorded alcohol related incidents either during the fair or during previous fairs.
14. Annual analysis from fairgoer feedback regarding the alcohol suspension meets with mixed views. Many miss the chance to enjoy wine, Pimms and or

beer. It should be noted that alcohol is widely available at places around the fair, including the Three Horseshoes, Red Lion, Shepperton cricket club, and several supermarkets. The Manor park and riverside site are freely accessible public spaces, and there is no law that prevents consumption of alcohol on the site if patrons of the fair wish to do so.

15. The Applicant submits that there will be more authority over alcohol on the fair site and consequently promotion of the licensing objectives if the licence were granted having a DPS.
16. Whilst the Applicant was unable to predict future events a comprehensive risk assessment and analysis of foreseeable risks at fair and their effective mitigations had been prepared.
17. It remains the intention of the Applicant to liaise with the police and licensing authorities to monitor any issues, including restricting the use of the premises license to cover music if that seems sensible.
18. The proposed DPS confirmed that he was the field organiser and part of the fair committee. He had been on the fair committee for the past few years in addition to being part of the fair for the majority of his life. His occupation was as a DPS in restaurants. He has held a personal license for 13-14 years.
19. Notwithstanding that the Applicant had readily agreed to the proposed condition of the police; with respect to a minimum of 6 SIA door supervisors, the Applicant wished to exercise caution and procure 8 – this would afford an improved ability to patrol not just bar area but also the river area.
20. The Applicant submitted that a survey of stall holders, fair goers, is administered with results analysed, and discussed in wash up fair meeting within 6-8 weeks of end of fair, and is employed to make experience count and inform the planning for next fair.
21. The Applicant submitted that great efforts had been made to approach application with care. Planning was in place to demonstrate the ability of the Applicant to promote the licensing objectives competently, and complete regular reviews as part of post-operational assessment.

Representations

22. The Sub-Committee cannot take into account representations which do not relate to one or more of those licensing objectives and acknowledges that any representations which are received must be relevant and evidenced-based. Other Persons' Objections In making written representations to the

Sub-Committee, the Other Persons highlighted a number of concerns, including:-

1. The prevention of crime and disorder given disorder following a previous fair where alcohol had been consumed in 2013.
2. The protection from children from harm; the potential for alcohol to be available to children at this family event and concerns regarding the operation of a challenge 25 policy.
3. The public safety objective, in so far as the alcohol sales area being located to an unregulated area and concerns regarding the potential risks associated with attendees having consumed alcohol observing an exciting event adjacent to water.
4. The potential detrimental effects to other businesses.

Considerations

23. The Sub-Committee considered the representations made by the Applicant at the hearing and the other persons in writing and finds as follows:
24. The Sub-Committee notes that no representation was received from Surrey Police in relation to the prevention of crime and disorder, who are the main source of advice on this licensing objective.
25. The Sub-Committee noted that the Applicant had worked with the police to satisfy any and all concerns raised by them confirming and agreeing to additional conditions to be applied to the proposed licence.
26. The Sub-Committee noted the extensive experience, some 13/14 years of the proposed Designated Premises Supervisor.
27. The Sub-Committee recognises the value businesses operating in Spelthorne bring to both the local economy and the community. The Sub-Committee were satisfied as to the Applicant's commitment to promote the licensing objectives and to operate effectively within the law.
28. The Sub-Committee noted that there was no restriction as to fairgoers bringing alcohol onto the site, purchased elsewhere locally; indeed alcohol was readily available at locations within the immediate proximity of the application site, whereas the proposed measures of the Applicant sought to promote the licensing objectives with respect to the sale of alcohol.
29. The Sub-Committee noted that the Applicant was seeking to go above and beyond the recommendations of the Surrey Police in securing a minimum of 8 SIA door supervisors to promote the public safety objective ensuring additional patrol of the bar and riverside area to expressly obviate the

concerns of the representee and by way of promotion of this public safety objective.

30. The Sub-Committee noted that the Applicant had procured a reputable operator of many years standing and experience to manage alcohol sales and application of the Challenge 25 policy with regard to the protection of children from harm objective.
31. The Sub-Committee has taken into account the submissions of the Premises Licence Applicant and the written representations.

Decision

32. To that end the Sub-Committee confirms that the application for a Premises Licence subject to the additional conditions listed below being added along with the mandatory conditions and conditions recommended by the Surrey Police and agreed by the Applicant is granted.

Conditions

1. There shall be a minimum of 6 SIA door supervisors on duty throughout the event

Conclusion

33. That is the decision of the Sub-Committee. A copy of this decision has been provided to all parties concerned within 5 working days of the Sub-Committee hearing.
34. You have the right to appeal against this decision to the Magistrates' Court within 21 days of receipt of this decision notice.
35. If you decide to appeal, you will need to submit your appeal to Guildford Magistrates Court. You should allow sufficient time for your payment of the relevant appeal fee to be processed. For queries, Guildford Magistrates Court can be contacted on 01483 405 300.

Review

36. All parties are reminded of the procedures contained within the Licensing Act 2003 relating to the potential review of a premises licence. This provision allows the public, businesses or Responsible Authorities to apply for a review of a premises licence where problems arise, such as: crime and disorder, risks to public safety, public nuisance or failure to protect children from harm.

The Licensing Authority respectfully reminds all parties that for any review to be successful in restricting a licence, evidence would need to be collected of incidents occurring that demonstrated that the licensing objectives were not being adequately promoted.

Cllr S Dunn - Chair
Cllr R Chandler
Cllr O Rybinski

Date of Decision: 26 January 2024
Date of Issue: 2 February 2024

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