

WESTERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 12 DECEMBER 2017 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN IN RESPECT OF AN APPLICATION FOR A VARIATION OF A PREMISES LICENCE - GRANGE FARM, BRATTON ROAD, WEST ASHTON

Present:

Cllr Trevor Carbin, Cllr Peter Hutton and Cllr George Jeans

Also Present:

Carla Adkins (Public Protection Officer – Licensing), Asifa Ashraf (Solicitor), Emma Batchelor (Public Protection Officer – Licensing), Councillor Stewart Palmen and Lisa Pullin (Democratic Services Officer)

1 Election of Chairman

Nominations for a Chairman of the Licensing Sub Committee were sought and it was

Resolved:

To elect Councillor Trevor Carbin as Chairman for this meeting only.

2 Apologies for Absence/Substitutions

There were no apologies or substitutions.

3 Procedure for the Meeting

The Chairman explained the procedure to be followed at the hearing, as contained within the “Wiltshire Licensing Committee Procedural Rules for the Hearing of Licensing Act 2003 Applications” (Pages 5 - 12 of the Agenda refers).

4 Chairman's Announcements

The Chairman gave details of the exits to be used in the event of an emergency.

5 **Declarations of Interest**

There were no interests declared.

6 **Licensing Application**

Application by Ten Gallon Events Ltd for a Variation of a Premises Licence at Grange Farm, Bratton Road, West Ashton, Trowbridge

Carla Adkins (Public Protection Officer – Licensing) introduced the purpose and scope of the application, the premises to which it related and the key issues for consideration. Carla highlighted the following:

- This was an application by Ten Gallon Events Ltd to vary their existing premises licence dated 20 February 2016 to add Sunday to the running days of the festival. The following timings for licensable activities were requested:

Licensable Activity	Proposed additional hours
Films, Plays, Performance of dance (indoors and outdoors)	Sun 11.00 – 00.30
Live Music (indoors)	Sun 11.00 – 01.00
Recorded Music (indoors)	Sun 11.00 – 01.30
Late Night Refreshment (indoors and outdoors)	Sun 23.00 – 02.00
Sale of Alcohol (on sales)	Sun 11.00 – 01.30
Hours open to the public	Sun 08.30 – 02.00

- During the consultation process, one relevant representation was received from Mr Peter Brabner relating to concerns over public nuisance.

In accordance with the procedure detailed in the agenda, the Applicant and the person who had made a Relevant Representation were given the opportunity to address the Sub Committee.

Key points raised by Steve Henwood and Keith Murray on behalf of the Applicant (Ten Gallon Events Ltd) were:

- We have been running festivals on this site since 2014 (some under temporary events notices) and since 2016 on the Premises Licence. We launched our festival to run from Thursdays to Saturdays which is unorthodox. Following feedback from our customers, suppliers and carrying out market research we would like to amend the premises licence to include Sundays so that our festival runs from Friday to Sunday;

- We have an ever-evolving Event Management Plan which we develop with the Council's Licensing Team and would continue to do so to ensure that everything is in place to run a well-managed event;
- We haven't received any complaints about our previous festivals on this site;
- We have submitted maps which have been prepared by our Acoustic Consultants which show the projected noise levels and how the sound travels. You also need to take into account the wind direction, foliage, buildings and the direction of the speakers;
- The person who has made the representation lives over 2 miles from the site and although he may be able to hear us on a quiet night, the sound level does not constitute a nuisance;
- We are aware of other events that have happened in the area around Westbury White Horse and this may have been what he has heard previously;
- We have not broken any licensing conditions in the last 4 years and we regularly check the sound levels from the agreed measuring points. We worked with the Council's Environmental Health Officer last year to draw up the Noise Management Policy for the site to set the level for the abatement notice; and
- We are happy to address any issues that we can so that we don't cause problems for our neighbours.

The Sub Committee were then given the opportunity to ask questions of the Applicant:

Q Why have you asked for late finishing times on Sunday/Monday morning?

A We would drop our decibel level to 40db at 00:00 on the Sunday to start to wind the festival down and reduce the impact of the noise. If we finish earlier than the early hours of Monday morning this doesn't allow for a decompression time. We have been running festivals for 14 years and we know from audience management that we get complaints if the headline bands finish early. Customers expect the last night to finish and then there is time for wind down time and the purchase of refreshments etc.

Q You have asked for a significant change by ending the event on the Sunday instead of a Saturday – this will have an impact for those who live in the area.

A We do not run the music at full power as it is turned down at 00:00. Live band music would cease at 00:00 and only recorded music at a reduced level would play until 01:30.

Q Do you plan to hold the event over a bank holiday weekend and how many people usually attend?

A No we don't plan to hold the event over a bank holiday weekend. We are licenced for 1,500 people but we sold around 600 tickets last year. We have a dispersal plan and we encourage people to leave at different times. Some will leave as soon as it ends and some who are camping will leave at different times on the Monday. We offer refreshments the next day and encourage them not to leave during school drop off times.

A Councillor wished to clarify the music cut off times for the Sunday as it had been stated by the Applicant at the hearing that live music would cease at 00:00, but the application stated that live music would cease at 01:00.

The Applicant confirmed that the sound levels would be reduced as previously stated from 00:00 and all music would cease on the main stage at 00:00. Live bands would end at 00:00 but there could be a solo singer with a guitar which would count as live music and this would end by 01:00 and this would be at a lesser sound level. DJ's would be playing recorded music until 01:30.

Mr Peter Brabner (who arrived late to the hearing) had made a relevant representation. He did not wish to ask any questions of the Applicants.

Key points raised by Peter Brabner were:

- He only became aware of the application to vary the premises licence on the day before the closing date as he happened to see it on the Agenda for a Bratton Parish Council meeting. He then went to look for the public notices in West Ashton that were almost illegible on the roadside as they were rain soaked. He felt that it should also have been sent to West Ashton Parish Council as it is near to their area and that no one in West Ashton would be aware of the application as they wouldn't walk along where the notices were placed and then probably couldn't read them if they did see them;
- This event was held in a rural area in a marquee in a field. It was now proposed to hold the also have the event running on a Sunday evening/Monday morning where people living nearby would have to get up for work and school on the Monday. Music travels a distance on a still night; and
- He lived approximately 2 ¼ miles from the site and felt that any music after 23:00 is a public nuisance. He was concerned about the welfare of all residents in the area.

A Sub Committee Member wished to clarify a point raised by Mr Brabner:

Is it correct that any music after 23:00 is constituted as a public nuisance?

The Licensing Officer commented that as she is not an Environmental Health Officer she was unable to answer that question. She was able to confirm that all Licensing applications are sent to the relevant Parish Clerks for which the application falls into their area. They are not required to send them to neighbouring parishes.

Mr Henwood (the Applicant) confirmed that he had spoken to the Chair of West Ashton Parish Council about the application and they had the opportunity to submit a representation but chose not to. The notice was also published in the Wiltshire Times.

The Applicants were then given the opportunity to ask questions of Mr Brabner:

Q Have you ever heard our Festival?

A Two years ago in July we were woken by music playing past midnight. At 02:00 I called the Police. I recall that the sound was coming from the direction of your festival but I cannot say definitely that it was your festival causing the disturbance.

The Applicants stated that they had been running festivals until 02:30 for the last 4 years. Mr Brabner confirmed that he had heard the music whilst driving past the festival and may have heard them once in the evening when he was woken but could not say it was definitely this festival that was causing the disturbance.

Mr Brabner did not wish to make any points in summation.

The Applicants made the following points in summation:

- We want to make this event work for all. For our customers and for financial reasons we wish for this event to run from Friday to Sunday; and
- West Ashton Parish Council sell tickets on our behalf and we give them a percentage of the sales.

The Sub Committee then adjourned at 11:00 and retired with the Solicitor and the Democratic Services Officer to make a decision on the licensing application.

The Hearing reconvened at 11:40.

Following the deliberations of the Sub Committee Members, the Solicitor for the Council confirmed that no specific issues of legal advice were given the Members.

Resolved:

The Western Area Licensing Sub Committee (Councillors Trevor Carbin, Peter Hutton and George Jeans) resolved to GRANT the variation to the Premises Licence to add Sunday to the running day of the festival (for which this Premises Licence covers) for the hours and activities detailed below:

Licensable Activity	Timings
Films, Plays, Performance of dance (indoors and outdoors)	Sunday 11.00 – 00.30
Live Music (indoors)	Sunday 11.00 – 01.00
Recorded Music (indoors)	Sunday 11.00 – 01.30
Late Night Refreshment (indoors and outdoors)	Sunday 23.00 – 02.00
Sale of Alcohol (on sales)	Sunday 11.00 – 01.30
Hours open to the public	Sunday 08.30 – 02.00

Subject to the following additional conditions:

1. That this event is limited to a maximum of 72 hours.
2. That the Applicant give a minimum of 6 months' notice of the dates/timings of the event to the Wiltshire Council Licensing Authority and Bratton and West Ashton Parish Councils.

Informative

The Applicant to ensure that all other statutory requirements are met.

Reasons

After taking into account the written representations from all parties and the oral submissions received at the hearing, the Sub Committee considered the concerns raised by Mr Brabner regarding the application. These concerns related to the perceived public nuisance from music and noise from the premises after 23:00 hours on a Sunday.

The Sub Committee noted that although Mr Brabner raised concerns relating to public nuisance, there had been no recorded complaints from other residents, no representations had been received from the Parish Council or any of the responsible authorities and no other evidence relating to these concerns had been presented to the Sub Committee. The Sub Committee also noted that agreement had been given that the event would not exceed 72 hours.

In reaching its decision the Sub Committee also considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 35); the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

Right to Appeal

All parties have the right to appeal to the Magistrates Court within 21 days of receipt of the written decision. Any person has the right to request a Review of the Licence, in accordance with the provisions of section 51 of the Licensing Act 2003.

(Duration of meeting: 10.20 - 11.45 am)

The Officer who has produced these minutes is Lisa Pullin, Tel 01225 713015 or
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