

AGENDA SUPPLEMENT (1)

Meeting: Licensing Committee

Place: Council Chamber - County Hall, Bythesea Road, Trowbridge, BA14 8JN

Date: Monday 20 June 2022

Time: 10.30 am

The Agenda for the above meeting was published on **8 June 2022**. Additional documents are now available and are attached to this Agenda Supplement.

Please direct any enquiries on this Agenda to Lisa Pullin, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713015 or email lisa.pullin@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225)713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

7 **Minutes of the Licensing Sub Committees (Pages 3 - 32)**

The following Northern Area Licensing Sub Committee meeting minutes are now available and attached:

05.04.22 *Application for a Premises Licence – The Hop Garden, Broadtown Brewery, 29 Broad Town Road, Broadtown*

26.04.22 *Application for a Premises Licence – Live at Lydiard, Park Farm, Hook Street, Swindon*

DATE OF PUBLICATION: 16 June 2022

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Northern Area Licensing Sub Committee

**MINUTES OF THE NORTHERN AREA LICENSING SUB COMMITTEE MEETING
HELD ON 5 APRIL 2022 AT COUNCIL CHAMBER - COUNCIL OFFICES,
MONKTON PARK, CHIPPENHAM, SN15 1ER.**

Present:

Cllr Kevin Daley (Chairman), Cllr Tim Trimble and Cllr Steve Bucknell (Substitute)

Also Present:

Applicant

Jason Bayliffe
Jody Gillet (Operations Manager)

Those who made a relevant representation

Representation 1 - Objection

Wiltshire Council Officers

Jemma Price (Public Protection Officer – Licensing)
Sarah Marshall (Principal Solicitor)
Andy Noble (Public Protection Officer – Licensing)
Lisa Pullin (Democratic Services Officer)

Also in attendance

Cllr David Bowler

21 **Election of Chairman**

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

Resolved:

To elect Councillor Kevin Daley as Chairman for this meeting only.

22 **Apologies for Absence/Substitutions**

Apologies were received from Cllr Pip Ridout. Cllr Steve Bucknell was substituting for Cllr Ridout.

23 **Procedure for the Meeting**

The Chairman notified all those present at the meeting that it was not being recorded by Wiltshire Council, but that the meeting could be recorded by the press or members of the public.

The Chairman reminded those present that any speakers that wished to remain and make a statement to the Sub Committee would be giving consent to there being the possibility that they would be recorded presenting this.

It was noted that those that had made a representation would not be identified by name within the minutes.

The Chairman then asked if anyone present wished to withdraw from the meeting. All parties confirmed they wished to remain in and take part in the Sub Committee hearing.

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 to 10 of the Agenda refers).

24 **Chairman's Announcements**

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

25 **Declarations of Interest**

There were no interests declared.

26 **Licensing Application**

Application by Jason Bayliffe for a Premises Licence in respect of The Hop Garden, Broadtown Brewery, 29 Broad Town Road, Broadtown, Swindon

Licensing Officer's Submission

The Sub Committee gave consideration to a report (circulated with the Agenda) in which determination was sought for an application for a premises licence, presented by Andrew Noble (Public Protection Officer – Licensing) for which two relevant representations had been received. One of the representations from neighbouring residents raised concerns about all of the Licensing Objectives, but in particular public safety and public nuisance. The other representation from the Senior Environmental Health Officer for Noise was withdrawn on 1 April 2022 following noise monitoring that was carried out 31 March 2022 and confirmation that proposed conditions were accepted by the Applicant, Mr Bayliffe prior to the hearing. The application was for the following licensable activities:

- Sale by retail of alcohol for the consumption ON and OFF the premises, Thursday to Sunday (to include Bank Holiday Mondays from 11:00 to 23:00).

It was noted by the Sub Committee that there were 4 options available to them:

1. Grant the licence subject to such conditions as are consistent with those included within the operating schedule submitted with the application, modified to such an extent as the Sub Committee considers appropriate for the promotion of the Licensing Objectives, together with any mandatory conditions required by the Licensing Act 2003.
2. To exclude from the scope of the application any licensable activity.
3. To refuse to specify a person as the designated premises supervisor.
4. To reject the application.

The following parties attended the hearing and took part in it:

On behalf of the Applicant

- Jason Bayliffe – Applicant
- Jody Gillet on behalf of the Applicant

Relevant Representations

- 1 local resident in objection to the application

Responsible Authorities

- The representation from the Responsible Authority (Environmental Health – Noise) was withdrawn prior to the hearing

The Chair advised that the written representations had been read and considered by the members of the Sub Committee in advance of the meeting. The Chair invited the Applicant to introduce their application.

Applicant's submission

The Applicant/s (Jason Bayliffe) spoke in support of the application, highlighting the following points:

- That they had lived in Broad Town since 2013 and in 2018 they formed the Broadtown Brewery. In February 2019 they decided to start brewing on a more commercial scale and in January 2020 they applied for a change of use to house the new brewery and fermentation vessels and this was granted in March 2020;
- In July 2020, an on and off alcohol licence was granted for the Hop Chapel, brewery and fields to the rear of the property. During the Covid period customers were able to sit outside in their 24 acres. In March 2021, the Government announced plans to enable hospitality to open covered beer gardens and areas so that public houses could offer

protection to the public and it allowed hospitality to get back on the ladder of trading;

- In April 2021 they constructed an outside marquee seating area (19m x 21m) known as the Hop Garden which would then direct customers into a specific area (restricted to half an acre) within the premises site and a specific car parking area was also allocated;
- Four live events were hosted by the premises to raise money for charity in the summer of 2021. It was felt that these events raised the spirits of the community with many customers reporting that they felt the business and the services provided were an asset to the area;
- For the over 60 days that the premises was open between April and September 2021 and no noise complaints were received by Environmental Health in relation to the premises;
- In August 2021, Allan Brown (Planning Enforcement Officer) advised the Applicant that they would need to make an application for retrospective planning permission as from December 2021 the Covid regulations would change. The Applicant submitted their planning application and ceased trading in the Hop Gardens whilst that application progressed;
- The Applicant attended Parish Council meetings to inform the village of the plans for the premises and took on board the feedback received. Many positive comments supporting their plans and what they had brought to the local community and economy were received;
- Whilst the current premises licence for Broadtown Brewery covers the 24 acres of the premises for consumption, the Hop Garden was created to minimise the areas to be used by customers and to create an enclosed controlled area for customers and reduce staff and customers walking through the car park area; and
- They instructed LCP Acoustics for advice and guidance on the noise management for the premises. The Applicant accepted the noise monitoring carried out by the Senior Environmental Health Officer on 31 March 2022 and the proposed conditions recommended by the Environmental Health Officer to manage any identified noise issues.

Sub Committee Member's questions

In response to Members questions the following points of clarification were given by the Applicant:

- The grass verge alongside the road could be used as a refuge;

- At previous events there around 200 patrons attending over the day but this would fluctuate and could mean that at one point there were 100 and then 80, etc; There were four events last year.
- 'Open mic' nights were held every other Thursday during the summer for about 4 weeks but it was felt more practice was required. The Applicant felt that 3 live events per year was enough;
- The incidental music in the Hop Garden would come via a Wi-Fi box that would sit on the outside bar with the noise levels around 34db which would provide an appropriate level of background music;
- The vision for the business was to increase the brewing up to 3000 litres per month. They were moving some of the brewing to a site in Calne so that they could grow core beers and they do the specials at the brewery. They would also look to have a more permanent structure as the current tent was weather dependent and it would benefit from being more robust – from April to September it would be open subject to the weather;
- It was appreciated that the noise readings taken in March may be different to those taken in the summer and that voices may carry further but they would work with the acoustics experts and with the Environmental Health Noise Officers to carry out the work they proposed and see that as a minimum measure they would take. They had formed a local residents committee and any events that were proposed in the future would be planned by the committee and there would be noise checks and an emergency contact number available for residents to report any problems and these would be actioned straight away;
- The Hop Garden area was 19m x 21m with a bar in the centre and tables and chairs around it. They used an intelligent booking system (called Ecwid) for the seating on the decked area and last year this had a maximum of 62 patrons. This set control measure where they could check on dietary requirements and parking information;
- The feedback received was that should be a maximum of 70 on the decked area including 4/5 staff;
- There was no kitchen at the premises and different vendors attend for events. They have 'take away nights' where the food is delivered to the premises.
- Patrons are asked to book and as the car park is marshalled, they would only be granted access if they had booked or there was capacity for walk ins which would be monitored throughout the day. They had not experienced people turning up and not being able to get in and the charging facility on the booking system was not used.

Questions from those who made a relevant representation

In response to questions from those that had made a relevant representation, the following points of clarification were given:

- The premises' alcohol licence had not expired, the current premises licence continues to renew as long as the annual fee is paid by the applicant.
- The monitoring of the numbers of those on the premises whether they are sitting in the field area or into the premises is managed by the Ecwid booking system;
- The aims of the business were to provide a positive experience for customers. Overfilling the capacity does not help with this so they don't overbook or over fill their capacity and a head count is taken of those on the premises;
- Walk ins were accepted and they have seats for all based on what is available at the time.

The resident asking questions of the Applicant and started to refer to the seating available outside of the Hop Garden but was reminded that they could only consider the application within the proposed licensing areas and shown as submitted.

Responsible Authorities' submissions

There were no representatives of Responsible Authorities present.

Submissions from the local resident who made a relevant representation

Rep 1

- The major effect on them was the PA system, the live events and the serving of alcohol as they lived 500m away. They could hear music from the premises inside their house. The quiz nights were annoying and loud and disturbed them whilst they were watching TV. They also worked with companies in America meaning they could be working into the evening and be disturbed by noise from the premises;
- They felt that critical documents were not shared with them by the Applicant and they did not have access to the acoustics report until a week ago;
- The PA system used by the premises could be heard as an audible conversation at 55 – 60db and that all words of songs could be heard clearly from their premises and they felt that if this sound was recorded at source this would be 110-120db which would be the equivalent to a Rock

concert and felt that this would cause harmful noise levels to those living close to the premises, particularly those at 28 Broad Town Road;

- The LCP acoustics say that the sound on the PA system was detected up to 97db but this was not really what they were hearing. They were in disbelief that an open crowded decked area serviced by the Hop Garden was allowed as it was so close to residents some only 40m away. Sustained exposure of loud noise could result in hearing loss and there was also noise from the diesel generator and it was felt that this would cause harmful noise levels for those living at Broad Town Road;
- The noise readings taken by the Noise Consultant in February 2022 and by the Senior Environmental Health Officer on 31 March 2022 did not reflect the usual noise that would be created by children, people eating and crowd related noise and whilst the Senior Environmental Health Officer had considered 80 patrons to be an acceptable number to be using the outdoor seating area they believed that the reduction to 80 (from 150) patrons would still disturb the nearest neighbours who were only 40 metres away from the premises;
- Concerns over harm to children could be solved by no sales of alcohol being permitted until an hour after the local schools had closed;
- The premises were causing nuisance to their neighbours and a quiet rural village was not a suitable location for this facility.

The local resident also made reference to a number of issues relating to highways, parking, planning and food safety but was informed at the hearing by the Public Protection Officer – Licensing that these issues could not be considered by the Licensing Sub Committee.

Sub Committee Members' questions

In response to Members questions the following points of clarification were given:

- In response to a question about them making a formal noise complaint to Environmental Health, the local resident confirmed that whilst they had not made a formal complaint, they were aware of a neighbour making a complaint and working with Environmental Health at the current time. When they first heard a disturbance, they were initially unable to locate the source of the noise and felt it was so loud that it must be a nearby house party. It was only at the last event held by the premises that realised when the sound was coming from more than half a kilometre away. Since that time they had not been disturbed by the premises during the winter months and were aware that residents were being advised to keep a log of any disturbance caused. However they have not made any noise complaints against the Broadtown Brewery.

Jemma Price (Public Protection Officer – Licensing) confirmed that no noise complaints had been received in relation to the Broadtown Brewery premises.

Questions from the Applicant:

The Applicant did not wish to ask any questions.

Closing submissions from the local resident who made relevant representation

In their closing submission, the local resident that made a relevant representation in objection to the application highlighted the following:

- The Hop Gardens was a nice idea but poorly planned and badly executed. The application should be refused and should not be in a quiet rural pub garden as it was not in character for the surrounding gardens; and
- The Applicant thinks he is better than us – if this moved into your village and next to your house, I would ask you to hold him to same standards and get him to sort it out.

Applicant's closing submission

The Applicant chose not to make a closing submission but asked a member of his apparent supporting party to comment. However at the conclusion of her submission it was evident this she was a villager obviously in support of the Applicant but not a party to the hearing who was providing a summary on behalf of the Applicant.

Points of Clarification Requested by the Sub Committee

No points of clarification were requested by the Sub Committee.

The Sub Committee then adjourned at 11.20am and retired with the Senior Solicitor and the Democratic Services Officer to consider their determination on the licensing application.

The Hearing reconvened at 12.15pm.

The Senior Solicitor advised that she gave the following legal advice to the Sub Committee

- That they were not able to consider any issues raised concerning food safety, planning and highway matters and any representations that were not concerned with the licensing application and the promotion of the licensing objectives.
- That they should completely disregard the summary evidence provided by a villager on behalf of the Applicant because it was felt that they had

not provided a summary for the Applicant nor were they a representative of the Applicant.

- Were advised to disregard any comments made by attendees leaving the hearing after the adjournment at 11.20am.
- Were advised to disregard the email that they had been sent (prior to the hearing) by another local resident who was not a party to the hearing.

Decision:

Arising from consideration of the report, the evidence and submissions from all parties and having regard to the Statutory Guidance, the Council's Statement of Licensing Policy and the Licensing Act 2003 the application for a Premises Licence in respect of The Hop Garden, Broadtown Brewery, 29 Broad Town Road, Broad Town, Swindon be granted for the licensable activities show below in the table and subject to the relevant conditions offered by the Applicant, together with the following additional conditions as recommended by the Senior Environmental Health Officer (incorporated below)

Licensable Activities	Days	Timings
Sale by retail of alcohol for consumption ON and OFF the premises	Thursday to Sunday (To include Bank Holiday Mondays)	11:00 – 23:00

Conditions

Prevention of Public Nuisance

1. A written dispersal policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours in the surrounding vicinity.
2. Clear and legible notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and to leave the vicinity as quickly and quietly as possible.
3. No deliveries (in relation to licensable activities) to the premises shall take place between 18:00 hours and 07:00 hours.
4. All waste shall be properly presented and placed out for collection. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 22:00 hours and 07:00 hours on the following day.

5. A sufficient number of suitable receptacles will be located in appropriate locations for the depositing of waste materials such as food wrappings, drinks containers, smoking related litter by customers.
6. A telephone number shall be made available for neighbours and local residents to contact in the case of noise-nuisance or anti-social behaviour by persons or activities associated with the premises. The telephone number will be a direct number to a member of staff on site at the time. A record will be kept by management of all calls received, including the time, date and information of the caller, including action taken following the call. Records will be made available for inspection and copying by an authorised officer of a responsible authority throughout the trading hours of the premises.
7. Taxi operator's telephone numbers will be advertised to customers. The operators will be advised that drivers should arrive and depart as quietly as possible, should not sound vehicle horns as a signal of their arrival or leave engines idling unnecessarily.
8. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
9. The premises will ensure all staff leave the premises quietly at the end of their shifts and so as to avoid causing disturbance or nuisance to local residents.
10. In the absence of adequate daylight, artificial lighting in any area accessible to the public shall be fully operational whilst the public are present. All exits/entrances will be kept clear at all times.
11. The collection of glasses and bottles shall be undertaken at regular intervals.
12. All internal and external doors, fixtures and fittings, lighting and emergency lighting will be kept in good working order and regular checks made. Lighting will be available in the car park area.
13. The premises shall engage an acoustician to advise on suitable mitigation measures specific to controlling noise from the hop garden including the structure that contains the bar/seating area. The mitigation is to include the following:
 - i) Installation of a properly designed and constructed noise barrier that is capable of providing at least 5dB sound attenuation to protect the nearest residential receptor from noise occurring within the hop garden bar structure. This acoustic barrier is to be erected in full by Friday 5th August 2022.
 - ii) A noise management plan to set out noise controls for dealing with noise from patrons who are using the hop garden to minimise any noise impact from patrons on the nearest residential receptor.
 - iii) The noise controls should include target sound levels at key monitoring points close to the boundary with residential premises to allow Broad Town Brewery to undertake their own validation sound monitoring using a sound level meter at regular intervals to ensure that noise controls are working. Source measurements shall be undertaken as LAeq levels over a 15-minute integration period to

encapsulate the fluctuating nature of human speech over a reasonable time window.

- iv) A plan must be included to show the location where monitoring is to take place. Written/aural observations shall also be made at this monitoring location by a member of staff. These observations must relate to both music and people noise. Notes shall be made on what corrective actions are taken if monitoring confirms target levels are exceeded.
- v) The bar speaker shall not exceed 70dBA at source.
- vi) The maximum numbers of patrons who use the timber framed bar area must not exceed 80 persons between the hours of 6pm and 10pm.
- vii) The premises must engage an acoustic expert to assist them comply with items 13i to vi above. The acoustic expert shall produce a noise management plan to incorporate items i. to vi. to be submitted to the council's Senior Environmental Health Officer by 5th June 2022 and implemented in full thereafter.

Public Safety

- 14. All bar staff, supervisors and managers will be trained in the legality and procedure of alcohol sales to Level 1 Responsible Alcohol Retailing Training or similar. All training shall be signed and documented. Training records will be kept on the premises and be made available for inspection.
- 15. The documentation relating to training will extend back to a period of three years and will specify the time, date and details of the persons both providing the training and receiving the training.
- 16. All staff engaged in licensable activity at the premises will receive training and information in relation to the following:
 - i) The Challenge 25 Policy including the forms of identification that are acceptable;
 - ii) The hours and activities and conditions permitted in the premises licence,
 - iii) How to complete and maintain the refusal register in operation at the premises,
 - iv) Recognising the signs of drunkenness,
 - v) The operating procedures for refusing service to any person who is drunk, under-age or appears to be under-age, or
 - vi) appears to be making a proxy purchase,
 - vii) Action to be taken in the event of an emergency, including reporting an incident to the emergency services.
- 17. Training shall be recorded in documentary form and shall be regularly refreshed every year. Training records shall be made available for inspection.
- 18. We will adhere to the Portman Group Code of Practice for the promotion of alcoholic drinks and follow the Home Office guidance on selling alcohol responsibly. A drink, its packaging and any promotional material or activity will not in any direct or indirect way appeal to under 18s or incorporate images of people who are or look as if they are under 25 years of age where there is any suggestion that they are drinking alcohol.

19. There shall be a responsible trained person on duty at the premises at all times when the premises are open and selling alcohol.

Protection of Children From Harm

20. There will be in place a written age verification policy in relation to the sale or supply of alcohol, which will specify a Challenge 25 policy. The poster will be on display. All staff working at the premises will ask individuals who appear to be under 25 years of age, attempting to purchase alcohol, to produce identification. The only acceptable identification documents will be:
 - A photo driving licence
 - A passport
 - An identification card carrying the PASS hologram

Unless such identification is produced the sale of alcohol will be refused.

21. The age verification policy will include documented steps taken to prevent adults from purchasing alcohol for or on behalf of children under 18 (proxy sales).
22. An alcohol sales refusal register shall be kept at the premises and be maintained to include details of all alcohol sales refused. The refusals register will be made available for inspection.
23. Children over 16 years of age will be allowed unaccompanied on the premises, under 16's will be accompanied by an adult over 18 years of age.
24. No children under the age of 18 years of age will be allowed on the premises after 21:00 hours.

Prevention of Crime and Disorder

25. An incident log shall be kept and maintained at the premises which will include the time and date of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident. The logs shall be kept for at least 12 months following the date of entry and be made available for inspection.
26. Premises checks will occur at regular intervals throughout opening hours.
27. Open containers of alcohol shall not be removed from the premises.
28. All alcohol on display will be in such a position so as not to be obscured from the constant view of staff.
29. A written drugs policy shall be in place and operated at the premises.
30. The CCTV system which is registered with and complies with the Information Commissioner's Office guidance is monitored and operated by Jason Bayliffe. The CCTV GDPR policy will be made available for inspection. The system has a 31-day recording facility. Clear signage stating that CCTV is in place will be displayed.

Reasons:

In reaching its decision, the Sub Committee took account of and considered all the written evidence and the representations from all parties and the oral

submissions received from the Applicant, the Applicant's representatives and a resident who made a relevant representation at the hearing.

The Sub Committee noted the concerns raised by the resident at the hearing but considered that the Applicant had provided sufficient evidence that the licencing objectives would be promoted in particular relating to public nuisance, with regards to the noise – in particular that the Applicant had accepted the recommendations offered by the Senior Environmental Health Officer and management of the numbers attending the premises. The Sub Committee heard no evidence that the Applicant would fail to promote the licensing objectives and no evidence of noise complaints was placed before the Sub Committee. The Applicant acknowledged that he was willing to work with the local residents to alleviate any concerns.

The Sub Committee were not able to consider any issues raised concerning food safety, planning and highway matters and any representations that were not concerned with the licensing application and the promotion of the licensing objectives.

The Sub Committee completely disregarded the summary provided by a villager on behalf of the Applicant because the Sub Committee did not consider that person had provided a summary for the applicant nor was a representative of the applicant.

The Sub Committee also disregarded all comments made by attendees leaving the hearing after the adjournment of the hearing at 11.20am.

The Sub Committee also considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 18); the four Licensing Objectives; 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. In the event of an appeal being lodged, the decision made by the Licensing Sub Committee remains valid until any appeal is heard and any decision is made by the Magistrates Court.

A Responsible Authority or interested party has the right to request the Local Authority to review the licence in accordance with the provisions of section 51 of the Licensing Act 2003. However, a review will not normally be held within the first twelve months of the licence.

(Duration of meeting: 10.15 am - 12.20 pm)

The Officer who has produced these minutes is of Democratic Services, direct line 01225 713015, e-mail committee@wiltshire.gov.uk

Press enquiries to Communications, direct line ((01225) 713114 or email communications@wiltshire.gov.uk

Northern Area Licensing Sub Committee

MINUTES OF THE NORTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 26 APRIL 2022 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER IN RESPECT OF AN APPLICATION FOR A PREMISES LICENCE FOR LIVE AT LYDIARD, PARK FARM, HOOK STREET, SWINDON.

Present:

Cllr Ruth Hopkinson, Cllr Peter Hutton (Chair) and Cllr Robert Yuill (Substitute)

Also Present:

Applicant

- Jack Summers - The Culture Collective
- James Dutton - Method Events
- John Larcombe-Ford - JPS Event Consultancy
- Neil Holdstock - Neil Holdstock Event Safety
- Joby Andrews - Refresh West
- Roy Harvey - Refresh West
- Rob Cant - ACA Acoustics

Responsible Authorities

- Brett Warren – Environmental Health Officers (Noise), Wiltshire Council
- Sharon King – Environmental Health Officer (Health & Safety), Wiltshire Council
- Linda Holland – Licensing Manager, Wiltshire Council

Those who made a relevant representation

- Daryl Bigwood – Principal Solicitor – Litigation, Swindon Borough Council on behalf of Kathryn Ashton and Brian Pinchbeck
- Kathryn Ashton, Licensing Manager, Swindon Borough Council
- Brian Pinchbeck, Director of Operations, Lydiard Park and Hotel, Swindon Borough Council

Wiltshire Council Officers

- Andy Noble – Public Protection Officer – Licensing
- Jemma Price – Public Protection Officer – Licensing
- Sarah Marshall – Principal Solicitor – Legal representative to the Panel
- Lisa Pullin – Democratic Services Officer – Clerk assisting the Panel
- Leo Penry – Democratic Services Officer – Clerk taking minutes for the meeting

Also in attendance

- Matt Perrott – Engineer – Local Highways – Wiltshire Council
 - Ben Fielding – Democratic Services Officer
 - Matt Hitch – Democratic Services Officer
-

27 **Election of Chairman**

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

Resolved:

To elect Councillor Peter Hutton as Chairman for this meeting only.

28 **Apologies for Absence/Substitutions**

Apologies were received from Cllr Bob Jones. Cllr Robert Yuill was the substitute Member. Apologies were also received from Tessa Hares (Environmental Health Officer - Noise).

29 **Procedure for the Meeting**

The Chairman notified all those present that the meeting was not being recorded by Wiltshire Council but could be recorded by the press or members of the public. The Chairman confirmed that any members of the public that had made a representation would not be identified by name in the minutes and decision notice and that all parties wished to proceed on this basis.

All parties confirmed they wished to remain in and take part in the Sub Committee hearing.

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 – 10 of the Agenda refers).

30 **Chairman's Announcements**

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

31 **Declarations of Interest**

There were no interests declared.

32 **Licensing Application**

Application by The Culture Collective Ltd for a Premises Licence in respect of an event - Live at Lydiard, Park Farm, Hook Street, Swindon

Licensing Officer's Submission

The Sub Committee gave consideration to a report (circulated with the Agenda) in which determination was sought for an application for a Premises Licence,

presented by Andy Noble (Public Protection Officer – Licensing) for which five relevant representations had been received. The application was for the following licensable activities:

Licensable Activity	Timings	Days
<u>Provision of regulated entertainment</u>		
Plays	12:00hrs – 00:00hrs	Saturday
Films	12:00hrs – 00:00hrs	Saturday
Live music	12:00hrs – 00:00hrs	Saturday
Recorded music	12:00hrs – 00:00hrs	Saturday
Performance of dance	12:00hrs – 00:00hrs	Saturday
Provision of late-night refreshment	23:00hrs – 00:00hrs	Saturday
Sale by retail of alcohol (for consumption ON the premises)	12:00hrs – 00:00hrs	Saturday

It was noted by the Sub Committee that there were four options available to them:

- i) To grant the licence subject to such conditions as are consistent with those included in the operating schedule submitted with the application, modified to such extent as the Sub Committee considers appropriate for the promotion of the licensing objectives, together with any mandatory conditions required by the Licensing Act.
- ii) To exclude from the scope of the application any licensable activity.
- iii) To refuse to specify a person as the designated premises supervisor.
- iv) To reject the application.

The following parties attended the hearing and took part in it:

On behalf of the Applicant

- Jack Summers – The Culture Collective Ltd
- James Dutton - Method Events
- John Larcombe-Ford - JPS Event Consultancy
- Neil Holdstock - Neil Holdstock Event Safety
- Joby Andrews - Refresh West
- Roy Harvey - Refresh West

- Rob Cant - ACA Acoustics

Relevant Representations

- Daryl Bigwood – Principal Solicitor – Litigation, Swindon Borough Council on behalf of Kathryn Ashton and Brian Pinchbeck
- Kathryn Ashton, Licensing Manager, Swindon Borough Council
- Brian Pinchbeck, Director of Operations, Lydiard Park and Hotel, Swindon Borough Council

Responsible Authorities

- Brett Warren – Environmental Health Officers (Noise), Wiltshire Council
- Sharon King – Environmental Health Officer (Health & Safety), Wiltshire Council
- Linda Holland – Licensing Manager, Wiltshire Council

The Chair advised that the written representations had been read and considered by the members of the Sub Committee in advance of the meeting. The Chair invited the Applicant to introduce their application.

Applicant's submission

The Applicant, Jack Summers – Director of The Culture Collective, spoke in support of the application, highlighting the following points:

- The first Live at Lydiard event was planned for 8 August 2020 but was postponed due to Covid and rescheduled and held on 21 August 2021 at Lydiard Park in Swindon. The one day event had just over 9000 people in attendance with over 40 acts including Anne-Marie and Dizzee Rascal. The Applicant acknowledged that they had to contend with operational issues, as well as uncertainty of whether the event would take place due to Covid;
- No noise complaints for the 2021 event were received by Swindon Borough Council Environmental Health in relation to the event and there were no crowd management issues. There was full compliance with the conditions of the licence and there were no calls to emergency services;
- As the 2022 event was planned on a new site on the Wiltshire Council/Swindon Borough Council boundary this required the Applicant to apply to Wiltshire Council for the licence, as opposed to Swindon Borough Council the licensing authority for the previous event;
- There were a number of representations against the application. The Applicant highlighted that they were working closely with the Responsible Authorities to understand the points raised and work to alleviate their concerns. One of the Responsible Authorities (Environmental Health – Noise) and the Licensing Manager of Swindon Borough Council had agreed to

withdraw their representations dependent on conditions being added to any licence that may be granted;

- The Applicant had met with the Event Safety Advisory Group (ESAG) and as a result continued to analyse and restructure their event documentation. Following concerns raised regarding traffic management and public safety the Applicant had engaged with a traffic management consultant JPS and drafted a new traffic management plan. This implemented an alternative strategy using off-site parking and shuttle buses to improve safety for pedestrians accessing the site by reducing traffic flow on the access road; and
- Other professionals would also be involved with the event management to ensure that concerns raised were addressed and that a safe and successful event was delivered.

Sub Committee Member's questions

In response to Members questions the following points of clarification were given:

- The operational issues in 2021 were described as a lack of robustness from stewards on Hook Street to manage pedestrians leaving the site following the evacuation due to the electrical storm. There was also too much responsibility on one person resulting in the event management being too thin on the ground.
- The main area of concern the Applicant had seen raised by Responsible Authorities was around traffic management, though they acknowledged that they had not checked all the specific concerns raised. The Applicant expressed that it was a key focus to avoid a similar situation to the 2021 event.
- The initial Event Management Plan was submitted a few weeks after the licence application, the latest version submitted the day before the licence hearing was in response to concerns from Responsible Authorities.
- The Applicant confirmed that they were able to do further adjustments and meet requirements for the start of the event. JPS Event Consultancy expanded on this explaining that they had developed various solutions to the issues raised so far, including the new traffic management plan to reduce the amount of traffic moving onto the site as much as possible. That would be achieved by remote drop off and parking sites from which people would be taken to the event site by shuttle bus. It was explained that would be similar to how Radio One's Big Weekend was managed in 2009 when the event took place in Swindon.
- In terms of access to the site by vehicles, the measures taken to limit access would include accredited persons on site to stop vehicles entering the road to

access the site. There was sufficient space for vehicles to turn around when sent away. The Applicant stated that it would be communicated across multiple channels to customers prior to the event that they would not be able to access the site by car. This would include emails to all ticket purchasers, posts on social media and utilising press partners.

- It was explained that stewards would be positioned at the start of the road with signage for no access to the festival. For anyone entering the road the large fields beyond the residential development would be used as a turning point to avoid inconvenience to residents by turning in the road.
- There would be signage further out to warn people that they would be unable to enter the site by car. The specifics of this were not yet clarified and it was not in the Traffic Management Plan yet as that was put together quickly. They would be able to manufacture signs to motorway standard if needed and had staff with the appropriate accreditation to place the signage.
- Hook Street was not used for the evacuation in 2021. First there was a stage stop on the two largest stages and asked everyone to step back away from metal structures. Then when it was clear that the storm was moving much closer, they made the decision to evacuate the site with all staff and customers evacuated to the car parks. For the 2022 event it was clarified that they would evacuate to a field to the side of the arena field. Hook Street would not be used. The issues in 2021 were from insufficient stewarding to prevent pedestrians from leaving the car park after the evacuation and walking down Hook Street. The 2022 event would have more robust infrastructure in place to prevent this.
- JPS Event Consultancy stated that due to the CSAS Police Reform Act their accredited marshals would be able to stop vehicles traveling down Hook Street. JPS Event Consultancy stated that they were on the CSAS register and that this traffic management accreditation allowed police powers to stop and direct traffic as well as take names and addresses and report for offences.
- It was explained that an application for a Temporary Traffic Regulations order (TTRO) was considered to make a clearway and for a speed limit reduction to protect pedestrians in the road from anyone who does still need to travel down it. It would take 3 months to apply for a TTRO. It was decided against due to concerns that it may not be enforced so there would not be value in their view in applying for the TTRO. JPS Event Consultancy explained that signs and no waiting cones could be put up anyway to direct people to slow their speed and they would be enforced but putting up the signs would give the impression that they would be enforced. The Applicant was informed by the Sub Committee that it was inappropriate for signs/no waiting cones to be used without a TTRO in place and they should not assume that there would be no enforcement by the Police, Wiltshire Council or Swindon Borough Council.

- The Applicant clarified that they did not expect 100% compliance with the directions given to customers but that they would mitigate the risk as much as possible through signage and communications. The Sub Committee were advised by the Principal Solicitor that the Applicant cannot prevent any traffic from using Hook Street without an appropriate TTRO in place.
- The Applicant explained that they had been in contact with Lydiard Parish Council since the beginning of their application. The Applicant added that they continued to liaise with the Parish Council to keep them updated on any developments and would disseminate the final plan for the event once it was complete. The Applicant explained that they would hand out cards to residents in the area to display on vehicle dashboards to gain access to Hook Street. Furthermore they were working with the Parish Council to publish an information pack to residents and would be happy to have that as a condition to the licence.
- The increase in size of the event to 14,999 was to bring in bigger artists and deliver a better event. The artists they wanted to attract required a greater capacity and the plan would be to grow the event and keep making it bigger and better in a safe way. There would be a new management structure in place on the day with a number of experienced individuals brought in for event management. Furthermore the 2021 event only got the green light weeks before the event was scheduled to take place due to Covid, that would not be the case for the 2022 event.
- In response to queries about the ambiguity of the drugs policy the Applicant clarified the methodology for dealing with drugs on site. It was emphasised that however it was mitigated some people would try to use drugs so the Applicant wanted an approach that did not condone it but ensured that people felt able to contact medical or security in an emergency involving drug use. Method Events Consultancy added that they would need amnesty bins outside of the event, clearly signed and not too close to security.
- In response to questions it was added that a reason to shy away from zero tolerance approach was that if someone surrendered lower class drugs to security on entrance, they wouldn't be allowed access to the event, so people would be less likely to surrender drugs. As the main aim would be to prevent drugs entering the site if an individual had been compliant, they could be let into event after a more thorough search. Deception would trigger zero tolerance. It was clarified that this was in terms of procedure but public messaging would be much more hard-line.
- Every attendee would be searched when entering the site, including their bag if they had one. The style of entrance was designed to avoid a tailback into the road with a Disney style pedestrian system that folds queues over to condense them. There would be 12 security access lanes and customers would first have their ticket checked, then go through search by security then have their wrist band applied by stewards.

Questions from Responsible Authorities/those who made a relevant representation

In response to questions from those that had made a relevant representation, the following points of clarification were given:

- Metal trackway matting would be used to prevent the bus turning area in the field becoming unusable from mud.
- In response to queries about whether it was the intention to deceive the public about the TTRO, JPS Event Consultancy stated that it was just a question of bringing down the speed of traffic and preventing stopping outside of the event. A TTRO could do that and it would be enforceable but they assumed it would not necessarily be enforced. The Applicant added that they wanted to reduce pressure on the Responsible Authorities.
- The Applicant and JPS Event Consultancy clarified that there would be people with the powers to stop and direct traffic due to their CSAS accreditation. It was raised that people attending by car may put in the postcode in their satnav and there was a risk of confusion arising with those attending the event by car.
- It was raised that there were issues last year with the Wifi connection problems causing a bottleneck at the search station on entry to the site. In response the Applicant explained that the part of the entrance system that led to these issues was the Covid pass checks via the NHS app and Wifi issues were as a result of the weather. They clarified that the production Wifi was separate to that accessed by the public. The Applicant expressed their hope that the Covid passes would not be needed for the 2022 event but made assurances to bring in new measures if needed.
- It was explained that the shuttle bus turning circle would not impact on pedestrian access. In response to a point that the arena plan did not make it clear there was sufficient space the Applicant clarified that there would be adequate space and pedestrian access would be separate. The Applicant acknowledged that additional infrastructure would be needed for the addition of the shuttle buses.
- The Applicant explained that there was currently a lack of detail for how the pickup and drop off zone would be managed. It was explained that they were planning to operate two separate centres, one park and ride and one drop off and pick up right next to the site. From these location customers would enter by shuttle bus. The car park used has sufficient space and was marked out so would not require the parking to be managed.
- Despite advertisement that people could buy parking tickets the Applicant clarified that they were not selling parking tickets yet while they figured out how to advertise the parking set up. It would be well advertised that shuttle buses would be used.

- As a summer event it was raised that a lot of people would cycle and walk. In addition, it was queried how people with mobility issues would be supported as there was not parking on site assigned for this. It was asked that these issues be considered by the Applicant when they concluded.

Submissions from those who made relevant representations

Daryl Bigwood, Principal Solicitor Litigation, Swindon Borough Council spoke on behalf of Kathryn Ashton and Brian Pinchbeck, combining their two representations and outlined the following:

- The event took place at Lydiard Park in 2021 with a 9,999 people limit. This year, Swindon Borough Council had declined the repeat of this event to occur. There had been many issues with the previous event. Last year the Health and Safety Officer didn't view the site until morning of the event and was only appointed the week before. There was an unlicensed food vendor in breach of the licensing agreement. Neither the Applicant or the safety team had a back-up plan for dealing with problems with Covid passes and failure of the payment machines at the bar;
- The main access to the event was through Hook Street, a rural road less than 5.5m in width, mostly unlit and with no discernible footpath. The Applicant had acknowledged this was not safe;
- Swindon Borough Council had the following concerns: increase in size on last year, people can leave and re-enter the site, unpredictable traffic flow. There were also concerns that the event would be charging for parking and as Lydiard Park would be cheaper than the event parking charge this would create a draw for people to park there, crossing into the Swindon district. The event website stated that people could leave their vehicles overnight which could increase the traffic flow on Sunday as people return to collect vehicles. Swindon Borough Council also raised concerns that people could also leave the site intoxicated and therefore may not follow directions;
- In relation to public nuisance, Swindon Borough Council had no direct complaints and stated that the operator did a good job of dealing with the evacuation of the previous event. However, they noted that noise was audible outside of the event, testimony was that it could be heard but people were happy to have the park used again. Swindon Borough Council were unsure if the goodwill would persist, especially at a larger event that would take place closer a residential street;
- In terms of crime and disorder, the security company last year felt they had insufficient staff numbers. The Application for this year did not outline a proportion of security to customers. At the previous event there were unlicensed stewards separate to security with poor communication between the different teams;

- The previous event charged for parking which breached the traffic order on the car park;
- The event website had several inaccuracies. It stated that parking was 2-4 minutes from the site with the new traffic management plan but that was not accurate. It also stated that the licence had been granted when it hadn't been which was verging on fraud by false representation; and
- Swindon Borough Council recommended refusal of the application. However, if the licence for the event was granted by Wiltshire Council, they recommended the conditions set out at Appendix 7 of the Agenda pack. They would strengthen C7 on traffic management plan and would request that the traffic management plan be submitted to Swindon Borough Council at least 84 days before the event. If they failed to provide that the licence could be reviewed as the Applicant would be in breach of the licence conditions. They would also seek to decrease the application from 10 days per year to one per year and require at least 6 months' notice for any future events to be given to the local authority.

Sub Committee Members' questions

In response to Members questions the following points of clarification were given:

- Swindon Borough Council conducted sound monitoring during the 2021 event. The conditions on the licence were met, there were no breaches but sound from the event was audible but it was believed people were tolerant because they were so happy that the park was back in use.
- The problem with Wifi connection was in relation to the NHS Covid pass app not the bar payments.

Responsible Authorities' submissions

Linda Holland – Licensing Manager, Wiltshire Council highlighted the following:

- Wiltshire Council support well run events – it was unusual to receive representations from a neighbouring authority and a significant amount of time and resources had been required to date for this application and the Applicant had only provided documents when chased and had missed deadlines;
- The first Event Management Plan submitted was non site specific, confusing and had ambiguous details. There was further detail in the second Event Management Plan but not all points were addressed and it still referred to the previous location in some places. The Applicant attended the Event Safety Advisory Group on 24 March 2022 and gave proposals that were detailed but lacked substance;

- The second version of the Event Management Plan did not marry with the previous version. The Event Management Plan stated that music would be finished at 23:00 and everyone would shortly be off the site. That did align with the new traffic management plan which stated that it would take 2 hours to shuttle bus everyone off the site to the car park. There was no plan to manage customers in that time and risk that customers would not be prepared to wait up to 2 hours and attempt to walk back to their vehicles. The Applicant had not provided information on how those patrons waiting for up to 2 hours be managed where there was no access to food or toilets. If the car park was only 20 mins walk away those patrons may also be tempted to walk back to their vehicles.
- There was a lot of confusing information around management and who was responsible for what. The plan needed to be clear and concise. Medical provision looked at what could be supplied which was very subjective. The Event Management Plan did not have the detail expected this close to event (4 months);
- There were concerns about the lacking infection control measures and that there was no security plan. It was also noted that the event website allowed the purchase of tickets and claims that a licence had been granted which was not true;
- The Applicant takes on the responsibility for the health and safety of the people attending the event, therefore Wiltshire Council should not have had to spend hours reading documents to pass back comments to the Applicant;
- Whilst there were a number of event consultants at the Hearing, the Licensing Manager did not think they had been involved much prior to this; and
- Refusal of the application was recommended as it was felt that the key points on public safety had not been addressed by the Applicant. If the application was to be approved then it was recommended that this be subject to conditions as the event is only taking place in 2022 such as conditions to allow for a possible time delay to the event or to have with lower numbers in attendance as well as the inclusion of the conditions recommended by Wiltshire Council Environmental Health Officers and Swindon Borough Council.

Sub Committee Members' questions

There were no questions from the Sub Committee to Linda Holland, Licensing Manager.

Questions from the Applicant:

In response to questions from the Applicant, the following points of clarification were given:

- With reference to the previous event site being referred to in the event management documents it was clarified on page 25 (part 10) refers to the site having a tarmac road which Park Farm does not. The Applicant explained that this was surrounding the area and not within the existing site so did not refer to the 2021 site.

Responsible Authorities' submissions

Sharon King - Environmental Health Officer (Health and Safety), Wiltshire Council highlighted the following:

- Whilst the Applicant had addressed some of the concerns in the revised Event Management Plan, there were still some concerns relating to food safety - specifically, that there was no mention in EMP of caterers having access to hot water or of water behind bars for hand washing. A list of food vendors would be required in a very timely manner;
- There was no detail on how pedestrians would be managed entering the site;
- If the event was to have pyrotechnics that would need to be submitted long before the event;
- They were unsure how the additional available field as shown on the map was going to be used; and
- A significant amount of time had had to be spent checking and chasing documents required and if the Sub Committee were minded to grant the application, they would also seek the inclusion of recommended conditions.

Questions to Sharon King (Environmental Health Officer – Health and Safety)

There were no questions from the Sub Committee Members or the other parties to the hearing.

Responsible Authorities' submissions

Brett Warren – Senior Environmental Health Officer (Noise), Wiltshire Council highlighted the following:

- The representation in relation to noise had been withdrawn prior to the hearing, subject to the conditions (agreed by the Applicant) being included on the licence if it was to be granted; and
- These conditions included limiting the frequency of the event to one per year and limiting the event time period between 12:00 and 23:00. It was also requested that the noise management plan monitored the nearest noise sensitive properties and to not exceed 65 decibels over 15 minute periods.

An acoustic expert was requested to be present for the whole event and a complaints hotline should be available for residents.

Questions Brett Warren (Environmental Health Officer – Noise)

There were no questions from the Sub Committee Members or the other parties to the hearing.

Daryl Bigwood (Principal Solicitor) on behalf of Swindon Borough Council reported that there was an aviation fuel pipeline running underneath the site and if the application was to be granted he would wish for there to be a condition to ensure that nothing at the event disturbed the pipeline.

Daryl Bigwood then left the hearing due to another commitment.

At 12:30 there was an adjournment for a couple of minutes for a comfort break.

Closing submissions from those who made relevant representations/ Responsible Authorities

These parties did not wish to add any further points in summation.

Applicant's closing submission

In his closing submission, the Applicant highlighted the following:

- That they had shown commitment to meeting licensing objectives and at the 2021 event no conditions on the licence were broken and there were no noise complaints. They acknowledged that things needed to change for the 2022 but improvements needed were not insurmountable;
- The Applicant clarified that Neil Holdstock Event Safety was not appointed one week before the event in 2021 but was actually appointed about two months before the event by Platinum Security. For the 2022 event consultants were hired directly by the event organiser;
- In terms of the breach of ESAG requirements for the 2021 event, the Applicant emphasised that the organisation struggled due to Covid to manage their own resources and multiple times missed deadlines for documentation. That resulted in the cancellation of an Event Safety Advisory Group meeting. The Applicant apologised for that. After the event had the green light from the government the Applicant tried to ensure documentation was delivered in time;
- In response to the points raised regarding food trading vendors, there were twelve caterers on site and all were signed off by Swindon Borough Council. One vendor was awaiting their certificate had had the go ahead to trade. They only had a delay with the formal certificate and so was missing that paperwork;

- Apologies for the inaccuracies on the website. This was explained as a result of the fact that the ticketing company built the website and used a copy of the 2021 event website that had not been updated appropriately. The Sub Committee were assured that the website would be updated after the hearing;
- Addressing other concerns raised the Applicant stated that they would match the price of car parking to Lydiard Park so that there would not be a draw to park there. They would agree to that as a condition to the licence and highlighted that they had not sold car parking tickets yet to enable this. The Applicant also stated that they would agree to conditions regarding the ratio of SIA security to customers and were more than happy to give 6 months' notice for any future events;
- The late addition of the traffic management plan was acknowledged as not ideal but felt that they would have been more worried if the final document was rushed and hadn't been suitable. It was also understood that they need to strengthen their documentation and reiterated that they offered the Responsible Authority have the opportunity to sign off their documentation prior to the event going ahead. Many of the conditions regarding noise had been delivered at the 2021 event; and
- They would really appreciate the opportunity to deliver the event again this year and that their utmost concern was to deliver the event safely.

Points of Clarification Requested by the Sub Committee

- The errors in the documentation and size of documentation were queried, as well as who would be contacted in an emergency during the event. It was clarified that with the initial licence application the Applicant submitted an appendix and that final documentation would be sent through 3 months before the event. After speaking to the Licensing Officer regarding concerns from the Responsible Authorities they attempted to provide documentation sooner than had originally been planned, so stressed that they were work in progress documents.
- There would be accessible toilets across the site but there were not specific details on locations or numbers yet.
- The Applicant had been in communication with Fisher German who owned the fuel pipeline underneath the event site. The plan was to do two visits to mark out the pipeline, first for the site plan and again before construction starts on the site.
- Whilst there would be more people in management positions on the day to handle operations, the Applicant would still take on a strategic management role and be the clear point of contact on the day of the event.

The Sub Committee then adjourned at 13:01 and retired with the Senior Solicitor and the Democratic Services Officer to consider their determination on the licensing application.

The Hearing reconvened at 14:05.

The Senior Solicitor advised that she gave the following legal advice to the Sub Committee on the licensing objectives of public safety and protection from public nuisance and traffic regulations.

The Northern Area Licensing Sub Committee RESOLVED:

Decision:

Arising from consideration of the report, the evidence and submissions from all parties who attended the hearing and made relevant representations and having regard to the s.182 Statutory Guidance, the Council's Statement of Licensing Policy and the Licensing Act 2003 and the Licensing objectives being the prevention of public nuisance and public safety, that the application for a Premises Licence in respect of Live at Lydiard, Park Farm, Hook Street, Swindon be REFUSED for the following reasons:

Reasons:

The Sub Committee were not satisfied that the Applicant would promote the Licensing objectives of the prevention of public nuisance and public safety of people attending the event.

The Sub Committee were concerned about the lack of evidence regarding crowd management for a one day event where 15,000 people would be attending, the lack of detailed evidence on appropriate traffic management to ensure the safety of people attending and leaving the event and the lack of consideration of the impact of the event on the local community area.

Whilst the Sub Committee acknowledged the intent of the Applicant who on paper had made strides towards addressing the issues of public safety and the prevention of public nuisance, unfortunately the Sub Committee did not have confidence the Live at Lydiard Event would be run in a safe manner promoting the Licensing objectives of public safety and the prevention of public nuisance (in particular with the proposed increase in numbers from around 9,000 to 15,000 for the 2022 event) for the public attending and leaving the event nor did the Sub Committee have confidence of the Applicant's management and operational team's ability to put in place appropriate traffic management to ensure the safety of the public attending the event in sufficient time.

The Sub Committee were not satisfied that the updated Event Management Plan which appeared to be unfinished and did not address key points on public safety would be properly implemented and the current traffic management plan did not have sufficient detail to satisfy the Sub Committee that the safety of the

public attending the event either on foot or by motor vehicle or using provided shuttle buses from a car park some distance from the event would be appropriately addressed. The event would be taking place at a different venue this year and it was clear to the Sub Committee that the Applicant had also not sufficiently considered the impact of large numbers of people travelling to the event on the local community and the need for sufficient security to ensure the safety of the public using a narrow unlit rural road to attend the event. The Sub Committee were concerned there was lack of toilets and the risk of public nuisance arising from potentially long waits for the buses or other transport to take people home.

Having heard evidence from the representatives on behalf of Swindon Borough Council and parties who had made representations, including the Applicant and the Responsible Authorities, the Sub Committee did not feel there was sufficient time to put in place the necessary requirements to ensure the licensing objectives of public safety and prevent of public nuisance would be upheld for the August 2022 event.

The Sub Committee therefore concluded, on the basis of the evidence presented, that the application should be refused and that such a refusal was reasonable, proportionate and necessary to promote the Licensing objectives.

The Sub Committee also considered the relevant provisions of the Licensing Act 2003; the four Licensing Objectives; 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 the written decision. In the event of an appeal being lodged, the decision made by the Licensing Sub Committee remains valid until any appeal is heard and any decision is made by the Magistrates Court.

(Duration of meeting: 10.30 am - 2.10 pm)

The Officer who has produced these minutes is Leo Penry of Democratic Services, direct line 01225 718541, e-mail committee@wiltshire.gov.uk

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