

DECISION NOTICE

Eastern Area Licensing Sub Committee

Decision made on 20 April 2016 in respect an application made by National Trust (Enterprises) Ltd

Having considered all of the representations, both written and oral, the Eastern Area Licensing Sub Committee has resolved to grant the application made by National Trust (Enterprises) Ltd for a Premises Licence in respect of the National Trust Estate, Avebury as follows:

Licensable Activity	Timings	Days
<u>Provision of regulated entertainment</u>		
Plays (Indoors & Outdoors)	10:00-23:00	Monday-Sunday
Films (Indoors)	10:00-23:00	Monday-Sunday
Live music (Indoors & Outdoors)	10:00-23:00	Monday-Sunday
Recorded music (Indoors & Outdoors)	10:00-23:00	Monday-Sunday
Performance of dance (Indoors & Outdoors)	10:00-23:00	Monday-Sunday
Provision of late night refreshment (Indoors)	23:00-05:00	One night per annum for Summer solstice
Sale by retail of alcohol (ON & OFF the premises)	10:00-23:00	Monday-Sunday

Subject to the following conditions:

Prevention of crime and disorder

1. An incident/refusals book will be kept at each of the buildings on the Premises used for licensable activities, and staff made aware of its existence. Details recorded will include time/date, the location, name of the member of staff dealing with the incident. A brief description of the incident and description of person/s being refused and action taken.

Public safety

2. A risk assessment for licensable events shall be completed and measures taken to reduce any significant risks to a level that is reasonably practicable. A copy of any risk assessments made shall be made available to Police officers and authorised officers of the Licensing authority on request.
3. The number of SIA/staff required will be determined on a case by case basis in accordance with the licence holders risk assessment, depending on the size (a maximum of 1000 people), and the nature of the event.
4. When holding licensable events a sufficient number of staff shall be engaged to assist in safe access to and egress from the property.

The prevention of public nuisance

5. No licensable activities will take place in the area shown unshaded and marked 'Henge and Stone Circle' on the application plan.
6. Only 2 outdoor amplified live or recorded music events will take place in a calendar year at which more than 500 persons may be present, with at least a 60 day interval between each event. In relation to such events, the following conditions will also apply:-
7. A maximum of 1000 persons (to include performance and event management staff) will be permitted attend any such event.
8. An event management plan is to be submitted at least 3 calendar months before either of the two events referred to, to be approved by the Licensing Authority.
9. The distance between the stage/Front of House (FOH) mixing desk and any residential property will be maximized.
10. A site plan clearly indicating the proposed stage/FOH position will be submitted to the Licensing Authority, along with the proposed scheduling of the event, at least 3 calendar months before any event.

11. The total 'on-time' for live or recorded music at any such event will not exceed 4 hours and will cease by 23:00 hours.
12. Noise monitoring will be carried out during the event, based on any predicted noise levels provided by the Environmental Health Authority to the Licence Holder.
13. The organisers of any event will be available during the event to deal with any complaints and act accordingly. The Licence Holder will publish on its website and provide the licensing authority and other responsible authorities, the Parish Council and the occupiers of all residential properties within Avebury village with a telephone number to report any complaints arising from the event.
14. The Licence holder shall assess the likelihood of any impact on neighbours from time to time and implement such measures they consider necessary or are agreed in writing with the Council's Environmental Health Team. These may include dispersal procedures, a contact telephone number in case of any problems arising, sound monitoring and the display of notices indicating the opening times.
15. When holding any licensable event finishing after 22:00 hours (not limited to those events for more than 500 persons) the premises licence holder shall display prominent notices requesting guests to leave quietly.

For the purposes of this licence, an 'amplified live or recorded music event' means an amplified outdoor music event on a stage.

The protection of children from harm.

16. A challenge 25 policy will be implemented. A recognised proof of age, which includes a photograph, is required for anyone who appears to be under the age of 25 and who wishes to purchase or consume alcohol.
17. Where children are present at an event adult supervision shall be requested to be provided by the accompanying adult or by staff in the case of hosted events where an accompanying adult is not present, at all times.

Reasons

The Sub Committee acknowledged the concerns that had been raised by Avebury Parish Council and local residents in relation to this application. They noted that the objectors wished the application to be withdrawn or refused, so that further consultations could take place between the Applicant and the local community. However, the Sub Committee accepted that the Applicant had met the statutory requirements for notification of the application and had made some efforts to have prior consultation with those affected by it. The concerns of the Parish Council and local residents had been set out in detail in the letters of representation and expressed orally at the hearing by those present and the Sub Committee therefore did not see any reason why the application should not be determined at this hearing.

The Sub Committee heard evidence from the objectors that the application was framed in very general terms and sought to licence a wide area, covering both buildings and open land, for a variety of licensable activities. This made it difficult to know what the actual intentions of the Applicant were and therefore what the impact of those activities would be on the licensing objectives. The Sub Committee appreciated the concerns of the objectors on this point. However, having heard further details of the sort of activities proposed by the Applicant, they accepted the need of the Applicant to have flexibility to allow it to carry out such activities in the future and considered that the concerns raised would be adequately addressed by the proposed additional conditions.

The Sub Committee also noted that a significant part of the application site was open access land and accepted that it would not be practical to hold large ticketed events on such land, as there would be no way of controlling the numbers of people having access to the event. Therefore, it was likely that such events would be restricted to those parts of the site where access could be controlled.

A number of specific concerns had been raised in the representations regarding the potential impact of any large-scale music events. The Sub Committee noted that a number of additional conditions had been agreed between the Applicant and both the police and the Council's Environmental Health Team. These were intended to address in particular any public nuisance issues that might arise from live music events on the site. Both of those Responsible Authorities had indicated that they would not wish to pursue their objections if those conditions were included on any licence granted. The Sub Committee took particular note of this, in line with the advice in the Statutory Guidance.

The Sub Committee noted in particular the proposal to limit such events (beyond those allowed under the deregulation provisions) to two per year with a limit of 1000 persons, to end by 23:00 hours. The Sub Committee felt that these conditions were appropriate to address the public nuisance concerns from such events. However, they felt it appropriate to apply these restrictions to any larger-scale recorded music events, as well as live music events, as similar issues could arise with either type of event.

In view of the particular circumstances of the site, including its relationship to neighbouring residential properties the Sub Committee felt that it would be appropriate to require an event management plan to be agreed in advance with the Licensing Authority in respect of the two larger-scale music events authorised by the licence. This would address many of the issues about public safety, public nuisance and prevention of crime and disorder that had been raised in the representations made on the application in relation to such events, some of which were also covered by the other agreed additional conditions.

In relation to the sale of alcohol, the Sub Committee noted that the application, if granted, would lead to alcohol being able to be sold from a wider range of venues than is permitted by the current premises licence. However, given the nature of the proposed activities, as set out by the Applicant at the hearing, the Sub Committee did not consider that this would lead to the sorts of problems envisaged in some of the representations.

For the sake of clarity, the Sub Committee considered it appropriate to include a specific condition excluding all licensable activities from that part of the Henge and Stone Circle included within the application site, given its special status and the potential implications of any public nuisance or crime and disorder occurring in that area arising from licensable activities.

In reaching their decision, the Sub Committee also took into account the relevant provisions of the Government's Statutory Guidance on licensing and the Council's Statement of Licensing Policy.

Right of Appeal

All parties have the right to appeal to the Magistrates' Court within 21 days of this decision. Any person or Responsible Authority has the right to request the Licensing Authority to review the licence. Such an application may be made at any time, but where a request is made by a person other than a Responsible Authority, a review will not normally be held within the first twelve months of a licence, or within 12 months of any previous review save for the most compelling reasons.