

## WESTERN AREA LICENSING SUB COMMITTEE

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**DRAFT MINUTES OF THE WESTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 24 MAY 2016 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN IN RESPECT OF AN APPLICATION FOR A PREMISES LICENCE – FIELD TRIP FESTIVAL – POWWOW PRODUCTIONS LTD – GRANGE FARM, BRATTON ROAD, WEST ASHTON, TROWBRIDGE,**

**Present:**

Cllr Desna Allen, Cllr Dennis Drewett and Cllr James Sheppard

**Also Present:**

Wiltshire Council

Teresa Bray (Public Protection Officer – Licensing)  
Lisa Pullin (Democratic Services Officer)  
Paul Taylor (Senior Solicitor)

Applicant

Ryan Allcott  
Jack Clink  
Frank Fender (Solicitor)  
Matthew Perrin  
Mark Henninger

Those who made a Relevant Representation

Hugh Hancock  
Michael Jones  
Cllr Horace Prickett on behalf of Cllr Jerry Wickham

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1 **Election of Chairman**

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

**Resolved:**

**To elect Councillor Desna Allen as Chairman for this meeting only.**

2 **Apologies for Absence/Substitutions**

Cllr Dennis Drewett was substituting for Cllr Andrew Davis for this hearing.

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 – 11 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 for a Premises Licence by Powwow Productions Limited in respect of Field Trip Festival, Grange Farm, Bratton Road, West Ashton, Trowbridge**

Teresa Bray, Licensing Officer for Wiltshire Council introduced the purpose and scope of the application, the premises to which it related and the key issues for consideration.

Teresa confirmed that a time limited Premises Licence was sought for licensable activities from Friday 26 August to Monday 29 August 2016.

During the consultation period 5 relevant representations were received. Four from local residents and one from the divisional Ward Councillor.

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

Key points raised by Frank Fender, Ryan Allcott, Matthew Perrin and Mark Henninger on behalf of the Applicants were:

- The time limited premises licence was being sought for a Festival. The Applicants ran a one day event at these premises last year and following its success wished to run a longer event over the August bank holiday weekend;
- The Field Trip Festival was very successful last year and there were no official complaints received following the event. Some of the profits from the event are donated to charity;
- As the event was going on over a number of days there would also be camping offered at this festival. It was intended that patrons stay for the duration of the event;
- The Applicants had attended Event Safety Advisory Group meetings where they had been given excellent advice by the Responsible Authorities and this had led to them being satisfied with the event management plan and not then feeling it necessary to make any representations;
- When the application for a one day Premises Licence was made last year the Parish Council made a relevant representation but they were pleased to note that they had not felt the need to object to this application;
- Looking at the representations received there is a general objection to the timing of this proposed event as it clashes with Edington Festival which is not a relevant consideration of the upholding of the licensing objectives;
- One of the objectors states that people will be effected in West Ashton by this event, but there have been no representations received from residents of West Ashton;
- The event was strictly for over 18's and has been advised accordingly. No one with children or who are under 18 would be admitted to the site and only a limited amount of alcohol was permitted to be brought into the camping area;
- Following the event, all litter would be cleared from the site and the immediate area; and

- The Edington Festival is 2.66 miles away from the Festival site and there is not a clash as it was completely different music genres at each event.

The Sub Committee asked the following questions of the Applicant:

Q Please could you confirm the order in which the outside stages will close down at the event?

A *On the Friday there will be no outdoor music playing. Music will commence outside on the Saturday at 12:00. Music on the outdoor stage will end at 23:00 and will continue on the main stage and stages 3 and 4 (all of which are within marquees) until 02:00 on Saturday and Sunday, but the volume will be significantly reduced after 23:00.*

Q Who has responsibility for the noise levels?

A *Matthew Henninger, who is a Noise Consultant and the Technical Production Manager for this event.*

Q Will he be in attendance at the festival?

A *Yes he will be in attendance during the event.*

Q The Event Management Plan says that the music will be going on to 02:00?

A *The outdoor stage will close at 23:00 and music will carry on until 02:00 in the 3 marquees but will be significantly reduced. We will be doing noise readings and the Event Management Plan is a “working” document so changes may have been made since its publication in the Agenda.*

Q You say that the music is carrying on in the bars after 02:00. Will this be inaudible?

A *We would say that music in the bar marquees will be inaudible off site at 02:00. We anticipate it to be 40-50db inside.*

*Those who made relevant representations were given the opportunity to ask questions of the Applicant as follows:*

Q When did you start planning for this event? We heard about it in March.

A *We were in discussions with the landowners at Grange Farm following last year’s event and have an on going agreement to hold events at this site.*

Q Why did you not liaise with anyone in the area when you were in the planning stages of this event?

A Teresa Bray (Licensing Officer) confirmed that there is no requirement for Applicants to consult until the application is submitted.

Q You say that the site was cleared of litter last year, but this was not done well and it was undertaken by our parishioners.

A *We did not receive any complaints from West Ashton Parish Council with regards to litter left behind.*

Key points raised by Hugh Hancock who made a Relevant Representation were:

- I am heavily involved in the Edington music festival and that is how I got to hear of this application. I made my representation before I saw the Event Management Plan and since I have had sight of it my concerns have multiplied. We have put up with previous festivals on this site and last time this was a one night event and those affected in West Ashton felt it was not worth bothering to complain after the event;
- If this event goes ahead there will be a potential threat to law and order and public safety. I am also concerned about the timing of this event over the August bank holiday weekend. It will ruin this weekend for those in West Ashton due to the increased noise and traffic and will impinge and damage the Edington Festival which started in the 1950's;
- I have some of the choristers staying with me during the Edington Festival and a number of other high level musicians would be staying in and around Edington and they will suffer noise and traffic nuisance;
- The main effects of this event will be on those living in West Ashton but they were not made aware of the event and the Parish Council did not have any meetings during the consultation period;

*Clarification was sought and it was confirmed by the Licensing Officer that blue notices' advertising the application were displayed and the parish council were included in the 28 day consultation process. No complaints were received following the Field Trip Festival held on 12-13 September 2015.*

- At the event last year the music was so loud that it made my front door rattle. Someone was monitoring the noise very close to my property and I informed him and he went to go and get the volume turned down and that was better;
- When I spoke to the resident at 1 Bratton Road (the nearest resident to the event site) I was told that the noise was audible during the night even behind closed double glazing – it was intrusive to those in West Ashton.

The community are already sensitive about the other events that have been held on the site;

- The traffic management plans are only really focussed on the traffic within the site and aspirations about routes to it. There is no mention of other road users and August bank holiday traffic is different to normal day to day traffic. Once in West Ashton where residents park in several places this results in single track roads;

*The Chairman clarified that had the Police and Highways had concerns about traffic issues then they would have made a relevant representation. They had not done so.*

- In the Event Management Plan it proposes promoting a car sharing scheme to reduce the number of vehicles but this is not mentioned on the festival website. Public transport is also mentioned but this option is not viable as it doesn't run on weekends and bank holidays. There is no public transport to and from the site;
- There is an EE phone mast on the site, but with the surge of use from those at the festival – this will affect the broadband capacity for those living locally;
- By inviting people for pre drinks on the Friday and for selling alcohol for 13 hours on day and for two lots of 17 hours you are creating a clear opportunity for binge drinking. These drunk people may then leave the site and wander into West Ashton causing public nuisance;
- The residents of West Ashton may not be able to stay in the area for the weekend due to the noise disturbance;
- The timing of this event is crucial there are other suitable venues in the County where this event could be held; and
- If this application is granted you should impose strict conditions and let us know how we can raise any concerns we have during the event, ensure that the noise is inaudible in our properties after 23:00. It would be more beneficial to start the event on the Saturday when it is much quieter on the roads.

Key points raised by Michael Jones who made a Relevant Representation were:

- I have been a resident of Edington for 45 years and involved in the Edington Festival for many years. This event is likely to have an adverse impact on our festival. There will be traffic nuisance with the large numbers of people arriving via car to the Field Trip event;

- There will be young people who are not always traffic aware walking between events in Edington and the increased traffic could be a potential hazard; and
- The noise from those using their in car entertainment at high volume who are approaching or leaving the event could also cause an interference as they drive through Edington.

Key points raised by Cllr Horace Prickett (on behalf of Cllr Jerry Wickham) who made a Relevant Representation were:

- There is mention in the EMP of a Horse Race – what is this?

*Clarification was sought from the Applicants and it was confirmed that this was an administrative error and there is no horse race at the proposed event.*

- In the EMP you refer to the ejection of people either intoxicated or under the influence of drugs and this would be into unlit country lanes which is a lack of duty of care to these people;
- In relation to the protection of children from harm you say that you do not allow under 18's on the site. What will happen if children are brought to the event, to the camping for example? What would happen in this situation is not documented;

*Clarification was sought on the issue of admittance of those under 18 and the Applicants confirmed that this is a strictly over 18's event and those purchasing tickets would know that children will not be permitted onto the site.*

There were no questions posed to those who had made a relevant representation and the parties were then given the opportunity to sum up their points.

Those who made a relevant representation did not wish to make any further points in summation.

Frank Fender of behalf of the Applicants made the following points in summation:

- It was proposed to carry out the same practice as last year, that when people arrive to the festival they are taken off of the road into a holding area and their details/tickets are checked so that queues move swiftly off the road and ease congestion;
- The Applicants did intend to go to a Parish Council meeting and address the issues but the meetings were cancelled;

- The application should be granted unless the Sub Committee is satisfied that the Licensing Objectives would not be met by the Applicants. There are sanctions that can be used if there are any breaches and the Applicants wished to carry out the event in a safe and enjoyable way to all;
- Weight should be given to the fact that there are no representations from Responsible Authorities; and
- Music would end at 23:00 on the outside stage and a contact number for anyone with concerns would be available at all times as it was at their last event. Please grant this application.

The Sub Committee then retired to consider the application at 11:45 and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

The hearing reconvened at 14:00.

**Resolved:**

**The Western Area Licensing Sub Committee resolved to GRANT a time limited Premises Licence to operate licensable activities from Friday 26 August 2016 to Monday 29 August 2016.**

<b>Licensable Activity</b>	<b>Timings</b>	<b>Days</b>
<b><u>Provision of regulated entertainment</u></b>		
<b>Live music (In and Outdoors)</b>	<b>16:00 – 03:00 (the following morning)</b>	<b>Friday 26 August</b>
<b>Recorded music (In and Outdoors)</b>	<b>12:00 – 04:00 (the following morning)</b>	<b>Saturday 27 August</b>
<b>Performance of dance (In and Outdoors)</b>	<b>12:00 – 04:00 (the following morning)</b>	<b>Sunday 28 August</b>
<b>Anything of a similar description (In and Outdoors)</b>		
<b>Provision of late night refreshment (In and Outdoors)</b>	<b>23:00 – 05:00 (the following morning)</b>	<b>Friday 26 August</b>
	<b>23:00 – 05:00 (the following morning)</b>	<b>Saturday 27 August</b>
	<b>23:00 – 05:00 (the following morning)</b>	<b>Sunday 28 August</b>



	following morning)	August
Sale by retail of alcohol (On the Premises)	14:00 – 03:00 (the following morning)	Friday 26 August
	11:00 – 04:00 (the following morning)	Saturday 27 August
	11:00 – 04:00 (the following morning)	Sunday 28 August

Subject to the following additional conditions:

1. The event is to operate at all times in accordance with the event management plan and noise management plan, as submitted, or as amended with the agreement of the Event Safety Advisory Group (ESAG); any changes to be approved by the Licensing Officer.
2. There is to be a contact telephone number provided to local residents and on the event website for the duration of the event. This shall be monitored at all times from 12:00 on Friday 26 August 2016 to 12:00 on Monday 29 August 2016 and appropriate action taken in response to any calls received.
3. All music from the Outdoor Stage will cease at 23:00 on each day.
4. The requirement for the removal of litter and waste from the site, as set out in paragraph 13.6 of the Event Management Plan, will also include removal of such waste from the highway and highway verge for 100 metres either side of all site entrances and exits.

### Reasons

After taking into account the written representations from all parties and the oral arguments received at the hearing, the Sub Committee carefully considered the concerns raised by those who had made representations regarding the application. These concerns related principally to noise from the event; the potential for traffic congestion (particularly given that the event was proposed to take place over the August Bank Holiday); the protection of children from harm; the potential for problems arising from excessive alcohol consumption and the perceived impact of the proposed event on the Edington Music Festival.

It was noted that a comprehensive Event Safety Management Plan, including a Noise Management Plan formed part of the application. As

part of the Plan the Applicants had agreed to provide a telephone contact for complaints. This was welcomed by the Sub Committee and they would expect the event managers to be easily contactable on the number to be provided. It was considered appropriate to include this as a condition to address the concerns that had been raised regarding noise nuisance.

The Applicants had indicated that it was their intention that all music on the open stage would cease by 23:00 on each day. The Sub Committee considered it appropriate to include this as a specific condition, given the increased risk of noise nuisance from an open stage.

The additional condition extending the scope of the requirement to clear litter and waste was considered appropriate to address the concerns of residents regarding litter from persons arriving and leaving the site.

Subject to the above additional conditions, the Sub Committee considered that the Event Management Plan was appropriate to promote the licensing objectives.

In reaching its decision the Sub Committee also considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 18); 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 notice.

(Duration of meeting: Hearing – 10.30am – 11.45am  
Break - 11.45am – 12.15pm  
Deliberations – 12.15pm – 14.00pm  
Announcement of Decision – 14.00pm – 14.05pm)

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