

EASTERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE EASTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 23 MARCH 2011 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM IN RESPECT OF AN APPLICATION FOR A PREMISES LICENCE BY BARGE INN COMMUNITY PROJECT (GRAHAM MACVOY) IN RESPECT OF THE BARGE INN, HONEYSTREET, PEWSEY, WILTSHIRE – “HONEYFEST”.

Present:

Cllr Desna Allen, Cllr Peggy Dow and Cllr Jacqui Lay

Also Present:

Lisa Pullin, Democratic Services Officer; Robert Draper, Licensing Manager, East and South; Lisa Grant, Licensing Officer; Paul Taylor, Senior Solicitor and Helen Pinchen, Environmental Health Officer

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. **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 1 – 7 of the Agenda refers).

3. **Chairman's Announcements**

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

The Chairman confirmed the withdrawal of the representation made in respect of the application by Mr and Mrs Venner (contained on page 91 of the Agenda papers) and that therefore this would not be considered in the hearing.

The Chairman confirmed that there was a supplement to the Agenda issued on 16 March 2011 providing additional information on the operational plan for the proposed event.

The Chairman granted to members of the press present permission to film the proceedings whilst the Sub-Committee was in open session, except where individual Interested Parties had indicated that they did not wish to be filmed whilst making their representations.

4. **Declarations of Interest**

There were no interests declared.

5. **Licensing Application**

Application by Barge Inn Community Project (Graham MacVoy) for a Premises Licence at The Barge Inn, Honeystreet, Pewsey, Wiltshire SN8 5PS – “Honeyfest”

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

In accordance with the procedure detailed in the agenda, the Applicant, the Responsible Authorities and the Interested Parties were given the opportunity to address the Sub-Committee.

Key points raised by Graham MacVoy on behalf of the Applicant, Barge Inn Community Project, were:

- Scope of the application in terms of licensable activities and hours applied;
- Proposed strategy for managing on-site security and safety;
- Proposed traffic management strategy surrounding the site;
- Arrangements with emergency response units including on-site ambulance, police and tow truck on call, noise complaints number;
- Consultation undertaken with Parish Council in organising event;
- Plans for access passes to be issued to local residents, alongside crew, artists, etc, to minimise disruption for local vehicles;
- Management of delivery and tour vehicles in accessing the site;
- Appointment of Designated Premises Supervisor to manage bars at event;
- Training and briefings for staff, including communications, emergency, security and safety strategies to be implemented;
- Sound management strategy to be implemented on-site;
- Stewarded routes into the village, ensuring Honeyfest traffic is diverted away from residential area;
- 250 tickets sold through local vendors, suggesting broad local support for event; and that
- Event is intended to be a one-off, family-friendly, daytime affair.

During the course of asking questions of the applicant, Mr John Dunford, a local businessman, produced late material in a surveyors' plan of Honeystreet, with the intention of using this to illustrate public and private rights of way to the Sub-Committee. The material was accepted by the applicant and added to the material for consideration by the Sub-Committee.

Key points raised by the Responsible Authority, Helen Pinchen, Wiltshire Council Environmental Health Officer, were:

- Noise levels had been negotiated between the organisers and the Responsible Authority and that these were to be included as a condition to the licence in order to satisfy Wiltshire Council's Public Protection Team.

The Sub-Committee then adjourned for a short break at 12.35pm. Upon reconvening at 1.05pm, the Sub-Committee heard oral representations from the interested parties:

Key points raised by the Interested Parties Mr Hepworth from Alton Parish Council, Mr Fletcher, Mrs Fletcher, Mr Collinson, Mr Dunford, Mr Lewis, Ms Fielden and Mr Reiss were:

- Limited consultation with local people, and concerns raised not addressed in plans;
- Ticket sales exceed the Parish Council's recommendation of no more than 1000 persons on site;
- Traffic pressures on local roads to be expected with number of visitors, and potential pedestrian dangers associated with this;
- Disruption to local traffic movement due to increased traffic;
- Increased traffic anticipated to be present over several days, including the movements of large good vehicles and the suitability of local roads for these;
- Impact on local businesses, such as the sawmill, of increased traffic and partial closure of routes into Honeystreet;
- Perceived denigration of Licensing Committee powers by the selling of all tickets in advance of the licensing hearing;
- Concerns regarding the safety of the site; including proximity to canal, evacuation plans and number of ticketholders in relation to site size;
- Noise disruption caused locally by event sound systems, including the travel of sound into neighbouring villages, depending on wind direction and strength;
- Prospect of ticketless visitors descending on site surroundings on foot or by car, and the additional disruption and risks this could engender;
- Exacerbation of overcrowding issues caused by regular recreational visitors such as walkers, canoeists, etc;
- Risk of stress to horses and foals in neighbouring stables;
- Previous poorly-managed events on the site and problems endemic of these;

- Event could set precedent for larger, and more disruptive, events;
- Lack of wider community benefit enabled by this 'community pub' event;
- Vulnerability of the site to extremes of weather, for instance heavy rain, high winds, extreme heat, etc;
- Unknown quantity of BBC staff and event crew in attendance, likewise for number and size of vehicles;
- 250 'local' tickets cover entire Pewsey Vale division, therefore not accounting for the views of those most directly affected by event; and the
- General lack of realism in the risk assessment and emergency strategy contained in operational plan.

The parties were given the opportunity to ask questions of the Applicant, Responsible Authority, Interested Parties and Wiltshire Council Officers. A debate ensued in which the Sub-Committee discussed the impact of the event on:

- Traffic movements locally, including volume of traffic, road safety and the suitability of local roads for large good vehicles;
- Noise disruption caused locally by the sound systems at the event;
- Site safety, emergency strategy and evacuation procedure;
- Number of people attending the event, including artists, crew and press, in addition to the usual volume of visitors and any ticketless visitors to the event; and
- Management strategies and operational plan employed to manage and mitigate negative impacts of the event.

At their request, the sub-Committee were provided with an extract from the Definitive Rights of Way Map, showing the location of rights of way in the vicinity of the site.

The Sub-Committee members sought clarification on some points before retiring to consider the application and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

The Sub-Committee then retired to consider the application at 2.10pm.

The Hearing reconvened at 3.50pm.

Following the deliberations of the Sub-Committee Members, the Solicitor for the Council made a statement of material legal advice given in closed session as follows:

1. The Authority's legal obligations in respect of the provision of information to interested parties in relation to the licensing hearing; namely to notify interested parties of the date, time and location of the hearing; and

2. Clarification on the grounds for refusal or conditional granting of the licence under the Licensing Act 2003, should the Sub-Committee be minded to determine the application as such.

The Sub-Committee considered all of the submissions made to it and the written representations together with the Licensing Act 2003, Statutory Guidance and Regulations and the Licensing Policy of the Council

Resolved:

That the Application for a Premises Licence at the Barge Inn, Honeystreet, Pewsey, Wiltshire SN8 5PS (Honeyfest) be granted as detailed below:

Plays	12.30 to 20.00
Live Music	12.30 to 20.00
Recorded Music	12.30 to 20.00
Performance of Dance	12.30 to 20.00
Provision of facilities for making music	12.30 to 20.00
Provision of facilities for dancing	12.30 to 20.00
Supply of Alcohol	12.30 to 19.30

And subject to the following conditions:

- 1) **That the maximum noise levels do not exceed those set out by the Wiltshire Council Environmental Protection Officer (on page 107 of the agenda) as follows:**

Front of House	110dB LAeq 15 min
Stanton St. Bernhard (next village)	55dB LAeq 15 min
End Cottage (end of lane on other side of canal)	65dB LAeq 15 min
Honeystreet House (end of lane next to pub)	65dB LAeq 15 min

- 2) **All signage to be removed as soon as possible after the event and in any case no later than 5 working days.**

Reasons:

In reaching its decision, the Sub-Committee took into account the views of the Responsible Authority (Helen Pinchen, Environmental Protection Team, Wiltshire Council), all of the written relevant representations contained within the Agenda papers, the oral representations received at the hearing from Mr Hepworth from Alton Parish Council, Mr Fletcher, Mrs Fletcher, Mr Collinson, Mr Dunford, Mr Lewis, Ms Fielden and Mr Reiss and 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.

The Sub-Committee acknowledged that the number of people and vehicles expected to attend this event was significant, in relation to the size of

Honeystreet and that there would be some disruption to local residents on the day of the event. However, they felt that the applicant had made all reasonable arrangements to address these matters, particularly in relation to traffic management.

The Sub-Committee did not feel that there was a significant risk of people without tickets attending the venue and trying to gain access to the site. They considered that the fencing and security arrangements would be adequate. The Sub-Committee considered that the evacuation and other emergency safety procedures proposed by the applicant were reasonable and appropriate for the proposed event.

The Sub-Committee acknowledged the concerns raised by residents in their oral and written representations regarding these and other aspects of public safety, the prevention of public nuisance and crime and disorder. However the Sub-Committee felt that these issues had been appropriately addressed by the applicant in their operational plan and arrangements for the event and that they had also been discussed with relevant agencies during the planning of the event. The Sub-Committee also noted in particular that there had been no representations or objections from the Responsible Authorities other than the comments from Environmental Protection regarding noise levels which are addressed by the additional condition proposed. They felt that this condition and the arrangements in the operational plan adequately address the concerns raised by the residents about nuisance and public safety.

It was considered appropriate to add a condition requiring removal of signage, as the Sub-Committee was aware that this was not always done promptly after such events and that this could cause a nuisance to local residents and road users.

Whilst it is the Council's normal practice to include all the application documents with the Agenda the Hearing's Regulations only require us to give notification to those who have made representations of the date and place of the hearing. In addition, during the 28 day consultation period, notices are displayed at the premises and in the local press giving information of how those interested may view the application and its related papers, at the relevant Council office.

The Sub-Committee noted the request for the site visit, but felt that as one member of the panel is familiar with the area this was unnecessary.

(Duration of meeting: 10.30 am - 4.00 pm)

The Officer who has produced these minutes is Chris Marsh, of Democratic Services, direct line (01225) 713058, e-mail chris.marsh@wiltshire.gov.uk

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