

# WILTSHIRE COUNCIL

## WESTERN AREA LICENSING SUB COMMITTEE

30 APRIL 2019

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### **Application for Review of a Premises Licence; Trowbridge Festival, Stowford Manor Farm, Farleigh Road, Wingfield, Trowbridge, Wiltshire, BA14 9LH**

#### **1. Purpose of Report**

- 1.1 To determine an application for a Review of a Premises Licence in respect of Trowbridge Festival, Stowford Manor Farm, Farleigh Road, Wingfield, Trowbridge, Wiltshire made by Wiltshire Council's Licensing Authority.

#### **2. Background Information**

- 2.1 An application for the Review of NR Events Limited's Premises Licence has been made by Wiltshire Council's Licensing Authority. Following advertisement of the application one relevant representation has also been received.
- 2.2 Wiltshire Council (as the Licensing Authority) must hold a hearing to consider the review application and any representations received. In accordance with Section 52 (3) of The Licensing Act 2003 the Licensing Sub Committee is required to take such steps as it considers appropriate for the promotion of the licensing objectives.
- 2.3 The licensing objectives are:
- i) The Prevention of Crime and Disorder;
  - ii) Public Safety;
  - iii) The Prevention of Public Nuisance; and
  - iv) The Protection of Children from Harm.
- 2.4 Such steps are:
- i) To modify the conditions of the licence.
  - ii) To exclude a licensable activity from the scope of the licence.
  - iii) To suspend the licence for a period not exceeding three months.
  - iv) To revoke the licence.
  - v) To determine that no steps are necessary.

Government Guidance issued under s.182 of the Licensing Act states that:

"Licensing Authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of

the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as a necessary means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is necessary and proportionate to the promotion of the licensing objectives”

- 2.5 The event benefits from a Premises Licence issued under the Licensing Act 2003 since 1 July 2018 and the current copy is attached as **Appendix 1**. The licence granted allowed the following:-

Licensable Activity	Hours
Live music (Indoors & Outdoors)	Saturday & Sunday 11:00 hrs – 01:00 hrs (Next Day) Thursday 18:00 hrs – 01:00 hrs (Next Day) Friday 12:00 hrs – 01:00 hrs (Next Day)
Late night refreshment (Indoors & Outdoors)	Thursday to Sunday 20:00 hrs – 01:00 hrs (Next Day)
Alcohol sales (On Sales)	Thursday 18:00 hrs – 02:00 hrs (Next Day) Friday, Saturday & Sunday 11:00 hrs – 02:00 hrs (Next Day)
Hrs open to the public	Thursday 12:00 hrs – 00.00 hrs Friday, Saturday & Sunday 00:00 hrs – 00:00hrs (24 hrs) Monday 00:00 hrs – 12:00 hrs
Non Standard Timings	Annual event on one (long) weekend in July

- 2.6 A location plan of the premises is attached as **Appendix 2**.
- 2.7 A more detailed site plan provided by the applicant with the event management plan is attached as **Appendix 3**.
- 2.8 On 29 May 2018 an application for a New Premises Licence was received and accepted as a valid application. The application was submitted by Trowbridge Festival Ltd.
- 2.9 On 29 May 2018 an ESAG (Event Safety Advisory Group) trigger form was completed. The proposed event produced a “high-risk” score, this was due to the nature of the site being situated between a busy main road and a river,

with traffic management concerns. The fact that this was also a first time event for Trowbridge Festival Ltd increased the score.

- 2.10 On 30 May 2018 Licensing Officer, Carla Adkins was asked by the organisers to attend the site. It was at this site visit that Mrs Adkins pre-empted that the site was not going to be large enough for the proposed attendees at the event. Advice was given to the organisers at this point.
- 2.11 On 14 June 2018 an ESAG was held with partner agencies to discuss the upcoming event. The minutes of the ESAG form part of the Licensing Authority's evidence in **Appendix 5b**.
- 2.12 A further 3 Event Management Plan's (EMP's) were submitted before the date of the event. A copy of the final EMP is attached as **Appendix 4**.
- 2.13 On 18, 19, 20 & 21 July further site meetings took place by the Licensing Authority, Dorset & Wiltshire Fire Service and Wiltshire Council's Health & Safety team. Dorset & Wiltshire Fire Service and Wiltshire Council's Health & Safety attended site during the event due to concerns raised by Licensing Officer, Carla Adkins. Observations from these site visits form part of **Appendix 5b**.
- 2.14 On 10 August 2018 an ESAG debrief took place with partner agencies to discuss the event. Minutes of the ESAG debrief form part of **Appendix 5b**.
- 2.15 On 6 March 2019 the Licensing Authority received an application to transfer the premises licence holder from Trowbridge Festival Ltd to NR Events Limited.
- 2.16 On 13 March 2019 a review application was submitted by the Licensing Authority and was accepted as a valid application.

### **3. Details of the Grounds for Review**

- 3.1 The review of the licence has been requested on the grounds that the event which took place on 19-23 July 2018 was conducted in such a manner as to prejudice the licensing objectives. The grounds for review are:
  - The Licence holders' failure to understand or grasp the serious concerns, both written and verbal, of responsible authorities prior to, and during the 3 day event in 2018 has led to the Licensing Authority having no confidence in the organisers to run a safe event. By carrying on the 2018 event without regard to the EMP or advice provided, participants of the event were exposed to risk of harm, thereby prejudicing the licensing objective of public safety.
  - It is a condition of the premises licence that the event is run in accordance with the EMP. By not adhering to the EMP, this is a breach of the licence conditions. (The licence and conditions are attached as **Appendix 1**)
- 3.2 The application for review is attached as **Appendix 5(a)**. The evidence relied upon in support of the application is contained within **Appendix 5(b)**.

#### **4. Consultation and Representations**

4.1 The review process requires a public notice to be posted on the premises for a period of 28 days together with a copy of the notice posted at the offices of Wiltshire Council, County Hall. During the consultation period one relevant representation has been received from:

- Public Protection, Food and Safety Team

The relevant representation is attached as **Appendix 6**.

4.2 The Sub Committee can take into account documentary or other information presented at the hearing with the consent of all other parties.

#### **5. Legal Implications**

5.1 This hearing is governed by the Licensing Act 2003 (Hearings) Regulations. These provide that hearings should be held in public unless the Licensing Authority considers that the public interest in excluding the public outweighs the public interest in the hearing taking place in public.

#### **6. Officer Recommendations**

6.1 Officers are not permitted to make a recommendation – the decision is to be reached by the members of the Licensing Sub Committee.

#### **7. Right of Appeal**

7.1 It should be noted that the Premises Licence Holder, the party that applied for the review and any Responsible Authority or Interested Parties who have made representations may appeal the decision made by the Licensing Sub Committee to the Magistrates Court. The appeal must be lodged with the Magistrates Court within 21 days of the notification of the decision.

7.2 The decision of the Licensing Sub Committee does not take effect until the end of the period for appealing against that decision. In the event of an appeal being lodged, the decision made by the Licensing Sub Committee does not take effect until any appeal is heard and finally determined.

7.3 The Premises Licence Holder and all Interested Parties have been informed of the date, time and location of the hearing and their right to attend and be represented.

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Report Author: Teresa Bray

Public Protection Officer – Licensing  
Tel: 01249 706413

Date of report: 12 April 2019

## **Background Papers Used in the Preparation of this Report**

- **The Licensing Act 2003**
- **The Licensing Act (Hearings) Regulations 2005**
- **Guidance issued under Section 182 of the Licensing Act 2003**
- **Wiltshire Council Licensing Policy**

## **Appendices**

- 1 Current Premises Licence**
- 2 Location Plan of the Premises**
- 3 Detailed Site Plan**
- 4 Event Management Plan**
- 5(a) Application for Review**
- 5(b) Evidence submitted by Licensing Authority**
- 6 Representation by Public Protection, Food and Safety Team**