

SOUTHERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE SOUTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 26 APRIL 2017 AT THE NADDER CENTRE, WEAVELAND ROAD, TISBURY, SP3 6HJ IN RESPECT OF AN APPLICATION FOR A PREMISES LICENCE; CHALKE VALLEY HISTORY FESTIVAL, CHURCH BOTTOM, BROAD CHALKE, SALISBURY, SP5 5DS

Present:

Cllr Mike Hewitt, Cllr Simon Jacobs and Cllr Pip Ridout

Also Present:

Ian Garrod, Licensing Officer, Linda Holland, Licensing Manager, Lisa Moore, Democratic Services Officer, Lisa Pullin, Democratic Services Officer, Paul Taylor, Senior Solicitor

8 Election of Chairman

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

Resolved:

To elect Councillor Simon Jacobs as Chairman for this meeting only.

9 Apologies for Absence/Substitutions

There were none.

10 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 – 6 of the Agenda refers).

11 Chairman's Announcements

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

12 **Declarations of Interest**

There were no interests declared.

13 **Licensing Application**

Application by The Chalke Valley History Festival, Church Bottom, Broad Chalke, Salisbury, SP5 5DS.

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

- 10 relevant representations in objection had been received.
- 23 relevant representations of support had been received.
- The event would take place between Sun 25 June 2017 to Monday 23 July 2017.
- During the consultation period, concerns had been raised that the application had not been advertised properly at the site. Therefore the consultation period had been extended for one week and additional notices had been displayed at the site.
- The representations in objection had raised concerns relating to noise and the consumption of alcohol. These representations were provided in the agenda pack as appendix 5.
- The 23 letters of support were provided in the agenda pack as appendix 6.

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

Key points raised by Barrister; Marcus Lavell on behalf of the Applicant were:

- Due to the nature of the application, there was an abundance of evidence available to address the issues raised in the representations of objection.
- It was noted that no objections had been made by Environmental Health or the Police.
- The event team recognised that ongoing consultation was essential when putting forward a large-scale event, and had been liaising with partners throughout the planning stages.

Other speakers in support made the following statements:

James Holland, original founder and one of the Directors of the festival:

- The Festival began in 2011 to raise money for the Cricket Club. The original festival had 12 speakers. The aim was to create an atmosphere where people could have a glass of wine and learn some history.
- Following the success of that festival, it was realised that they could take it up a notch. A Trust was set up to enhance and teach history to all ages. Those involved felt passionately about the festival and so decided to crank up the event in 2012, with 50/60 speakers, including a spitfire display.
- The 2012 festival went well, so in 2013 the event was cranked up again, and remained at that level now. The event this year would include a school's festival.
- The event was dependant on volunteers of aged 16 and up. The event attracted volunteers locally and internationally.
- The aim was to inspire people in History. The location was a stunning setting, with droves and ancient linchets.
- The event hoped to attract as many people from the Chalke Valley as possible, which was why they would be offering free ticket to everyone in the village.

Rachel Holland – One of the Festival Directors, involved from the beginning, was also responsible for the School Festival and logistics:

- Broadchalke was a small quiet village, however there was a history of large scale events being held there, such as the Gursten Hill Speed Climb, which was a motor racing event. That event was well established for over 50 years and ran for 12 days - 8 weekend events and 4 further days. The event brought many people through Broadchalke, and was well supported by the village.
- Current events were already taking place at the village and drew people from all over the world. The Village also supported a huge amounts of cyclists throughout the year.
- The provision of alcohol and entertainment at the event would be planned and managed by Terry Barratt, & Charles Luxton. Charles had 25 years of experience as he ran 2 pubs and a wine shop in Tisbury.
- Terry was the DPS, and Charles would run the Bar. Staff would be from his businesses or trained by him prior to the event.
- Personal licence holders would be in attendance on the bar at all times.
- As a charitable company, they encouraged people to buy alcohol from the bar, however visitors were also permitted to bring picnics, which would often include wine or other alcoholic drinks.

- During the week, the event was quite quiet, as it was mainly a literary event, with quiet talks in progress. The event did crank up on the weekends, with a 3-piece jazz band playing by the bar.
- On Saturday night, an Andrews style swing group would be singing.
- The Team would be aware of excessive noise at any point as detailed in the Noise Management Plan, monitoring would take place at the boundary, near the closest property. A dedicated security team were responsible for monitoring and alerting the organisers to any issues via the radios, at which point the sound engineers would reduce the sound.

Other Comments in Support were received:

- Having been attending the festival since the beginning, it was felt to be a safe environment with friendly staff.
- A regular attendee had never seen anyone intoxicated at the event.
- During the party held in the bar tent, you could hold a conversation whilst music playing, as it was not loud.

Cllr Questions

With regards to underage drinking, were there marshals at the event?

Answer: We have SIA accredited security staff there all the times. The bar would not sell to under-aged people. If young people were seen with alcohol, then staff were instructed to report it to us.

The Legal Officer noted that the Sub Committee was here to discuss a licence for licensable activities, if the licensable activities did not take place what effect would this have on the event?

Answer: The event would still go ahead but it would not be as much fun. If alcohol could not be sold, we would still see it being consumed on this site, however it would mean less funds would be raised at the event, as people would bring their own. The festival experience was added to if music was included. To have no music would take a level of charm away.

Questions to the Applicant from those who made representations were:

- Which licensing plans were relevant to the application? As a later version of the plan with a marked licensed area, shown by Mr Crier, who noted that there was no red line on the plan in the agenda. Answer: The plans were as detailed in the agenda pack on P139, item 7d through to p145.
- Where could people consume alcohol? Answer: Anywhere on the site, as people are able to bring their own alcohol in.
- On page 23 the box had been ticked for 'on the premises' the Applicant wished to understand what the premises include? Answer: When alcohol was sold in a bar, it was for consumption in the licensed area, that is where it must remain. The Police made no representation against the

application, so we cannot ask what they consider to be a breach. The plan does demonstrate a scope and a defined area.

The Legal Officer noted: It was reasonable to ask for clarity on whether the alcohol sold in the bars could be taken off the site and therefore to query the extent of the licensed area. Are drinks to be sold in glass or plastic, and to what extent could they be taken anywhere on the site?

Answer: Photos of the bar tent were available on page 44 of the brochure circulated at the hearing. Most people consume alcohol where they purchase it. There will be no attempt made to prevent someone leaving the bar area with their alcohol if they wished. Drinks would be sold in plastic containers

- The dates of the festival provided in the application included the 25 June and 3 July, one day before and one day after the event dates, why was that? – Answer: Building and testing takes place before the event and taking down after. There are also dress rehearsals. We would not be selling alcohol on those days.
- The attendance numbers indicate 300 – 500 on week days and an expected 5k on Saturday, however the application was for 13k. How many people were you likely to have and how many people was the license for? Answer: This was a ticketed event with many of the tickets sold in advance. In terms of the figures used, when planning for this event it would have been preposterous to state under the estimated amount, this event had been planned to accommodate any reasonable fluctuation which may occur.
- Would tickets be sold on the day, and how would you know how many people may turn up on a weekend? Answer: Yes, tickets can be purchased on the day. We monitor the attendance with our security guards, they click the numbers coming in and parking vehicles. In previous years, we have made 90% of our ticket sales in advance, we do not expect huge numbers turning up on the day.
- On page 67 of Event Management Plan – the parking trackway will not go right in to the full extent of the parking fields. Answer; Yes, the plan is correct, the trackway cannot be extended all the way at a cost affordable by the charity.
- On Sunday night, the events are winding down, what is happening until the late hours on the Sunday 2 July? Answer: In general, we don't sell many tickets late on the Sunday – there are less events.
- How many people would be in the campsite? Answer: The campsite included space for volunteers who were not permitted to drink alcohol. The camping would consist of 198 people, including the volunteers.
- On page 42 of the application it lists 'changes to entertainment'. Will there be different entertainment than what had been stated? Answer: If this Sub Committee grants a licence, unless very strict conditions had been applied, then they cannot prescribe the entertainment. However, the purpose for this was to provide the opportunity to find a backup group if the one booked became unable to attend.

- With regards to the impact as far as noise was concerned, would you do your utmost to ensure the noise did not have a negative impact on Mr & Mrs Foster? Answer: We are mindful of all the residents. The generators are incredibly quiet. Efforts would be made to ensure noise was to a minimum. We will have people checking that the volume was reasonable. And reduced if found to be too loud.

Key points raised by those who made a Relevant Representation were:

Mr Phil Crier – Solicitor, on behalf of Mr & Mrs Foster:

Coloured photos of the views of the proposed event site from the Fosters property were shown.

- It was noted that the Objectors had every admiration for the objectives of the History Festival. They had attended in previous years when it had been in Ebbesbourne Wake.
- The Objectors property was 400m away from the event site with access and egress only a stone's throw away from their garden. They felt it would be intolerable and a nuisance during the event period. They believed that the Location was unsuitable.
- The application sought permission for Licensable activities to take place at the event every day from 9am to 11pm. With extended hours on Friday (12.30am) and Saturday (1am).
- The nuisance to neighbours would be cumulative and aggravating in the extreme.
- The applied for capacity of 13,000 was far too high for this site.
- This was a village with narrow streets and lanes which had never seen before a festival of this proposed size and magnitude.
- It was noted that the committee could decide to impose conditions to restrict the hours of activity, in particularly on Friday and Saturday night.
- The application was for a new location, there were no issues with their experience at previous location with a previous licence. However this application was for Church Bottom.
- It was a time limited premises licence with no realistic opportunity for the Fosters to review the licensing activity during this period.
- The Objectors had not been invited to the Safety Advisory Group meetings.
- The quiet rural nature of the village was relevant when dealing with questions of public nuisance.
- Established pattern of use in the area – is this the license applied for at this site – is there an established pattern of use in the area? Not as established as the biking or other events.
- There would be noise from people and cars in the fields adjacent to the Objectors property for several days.

- Statutory guidance – 2.14 & 2.15 - focus on the effect of the licensing activities of those living around the licensed area. Noise can come indirectly or directly from the licensed area.
- Licensing facilities would attract greater numbers or would mean that people would stay longer.
- The Applicants were seeking to provide licensed facilities to thousands of people on this site.
- It was not know when people will be arriving or leaving.
- Mr & Mrs Foster were not alone in their objections – there were 15 others in objection living in Broad Chalke. There were only 11 of the 23 people in support who live in Broad Chalke.

Mr Foster –

- I am a supporter of the festival and had visited it since it started. However it has now been relocated to a village with a narrow echoing valley. Every car would have to drive down the quiet and tranquil narrow lanes.
- The number of cars could be up to 7,500 a day on the weekend.
- To grant an alcohol and entertainment license would make this dire situation worse and not fair on our elderly and disabled residents. It could cause issues in emergency situations.
- The noise with 8 loud speakers would add up to a considerable and unnecessary nuisance.
- The upset extends beyond the 15 objectors who wrote letters.

Mrs Foster –

- We have always supported the festival and acknowledged their aims, but was shocked that they were leaving the old site to come to this site with narrow lanes. The village was not consulted on this.
- It will cause traffic jams, car noise and pollution.
- There will be disrupting traffic diversions, all day every day for 7 consecutive days.
- The applied for alcohol hours are too long and continue far too late. There was no need to sell alcohol after the last lecture of 9.45.
- Ill sited in a residential area, depriving residents of privacy.
- There would be staff, campers and horses on site for 24h a day.
- It should relocate to a more suitable site.
- Captain Riley could not attend.

Cllr Questions:

There were none.

Questions from applicant:

Could the Objectors clarify what was meant by their statement that the village was not consulted in any meaningful way?

Answer: The Fosters saw someone taking photos, they then spoke to Rachel and discovered the festival would be happening in the village. Later there had been something in the paper to say there would be a parish meeting, but no date or venue was given. The people who turned up at that meeting were angry and disappointed. There was little consultation and after that meeting no further consultation was planned. They told the festival that there needed to be more consultation.

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 Chairman asked the applicant what impact an earlier close time for the sale of alcohol would have and called for an adjournment of 10 minutes for this to be considered.

The Sub Committee reconvened to hear the suggestion of the applicant for reduced hours of sale of alcohol, these were:

Mon – thur – 10.30pm

Fri – 11.30

Sat – 12.00 (last performance ends at 11.30)

Sun – no change

The Sub Committee then heard the closing submission from:

The Objector

- The Sub Committee could only grant a licence for what was applied for. This was for a supply of alcohol for consumption on the premises. The licensed premises was identified on the plan. The consumption of alcohol should be within the red lined areas.
- The capacity could be considered.
- It was in the wrong location.
- A reduction in hours would be better than nothing.
- The festival was of good intention, but that counts for nothing if the location was not right.
- The proximity of the site was too close to residents. The Fosters felt this application should be refused.

The Applicant

- The Objectors have said much about the nature of this area, however this area was a designated history festival area.

- The history festival would be going ahead. It has been approved by the necessary authorities.
- Cars would park on all areas of the parking fields during peak times.
- The link between festival and licensing activity is a tenuous one. Simple vehicular activity was not necessarily a nuisance.
- The applicant could not attend the safety group meetings, that was because he did not have a specific skilled knowledge.
- We only have physical representation today from one property backing on to the site.
- Most licenses have no capacity condition; these are only imposed when confinement or over saturation was an issue.
- This festival would take place without the licensable activity being granted. People would bring their own alcohol. To take away the live music would diminish the overall experience of the festival.
- Vehicular movement figures were within the evidence provided.

The Legal Officer asked whether the applicant wished to make any comments on the nature of the plans.

Answer: The History festival had a clear footprint and plans.

The Sub Committee then retired to consider the application at 13.03

The Hearing reconvened at 13.30pm

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:

The Southern Area Licensing Sub Committee resolved to GRANT the Premises Licence as applied for, with the following condition:

- 1. That the Hours for the sale of alcohol will be varied from those applied for, so as to be:**

Monday to Wednesday – 16.00 – 22.30
Thursday 11.00 22.30
Friday 11.00 to 23.30
Saturday 10.00am – 12.00 midnight
Sunday 10.00 – 21.30

The granting of this Premises Licence is without prejudice to any other consents or approvals, including any planning permission that may be required.

Reasons:

After taking into account the written representations from all parties and the oral arguments received at the hearing, the Sub Committee has carefully considered the concerns raised by those who had made representations regarding the application.

The Sub-Committee accepted that it was inevitable that an event of this size and duration would have an impact on local residents, given the nature of the local area. However, it was not their role to consider the suitability or otherwise of the event as a whole. That had been considered by the other relevant authorities as appropriate. The role of the sub-committee was to consider the licensable activities that were proposed to take place within the overall Festival and the impact of those activities on the licensing objectives. The Sub-Committee felt that the presence or otherwise of these licensable activities would have a minimal effect on the issues that were principally causing concern for the Objectors, those being mainly the numbers of people and vehicles attending the site and the consequent noise and disruption.

The Sub Committee noted the willingness of the Applicant to reduce the hours for the sale of alcohol, and considered that such measures would be appropriate to address the relevant concerns that had been raised.

Evidence

The Applicant's representative and witnesses explained the background to the festival and the nature of the activities that would take place. They accepted that the Festival would attract a considerable number of people and vehicles, particularly at the weekend. Discussions had been on-going for some time with the relevant authorities to address the issues that would be caused by the number of people attending the event, with a view to ensuring the safety of the event and to minimise disruption to the village and local residents.

The Applicant stressed that the licensable activities, essentially comprising a 'beer tent' and musical entertainment between and after lectures, were minor elements in the festival as a whole. The presence of these licensable activities would not have any noticeable impact on the numbers of people attending the Festival, or on the operation of the rest of the Festival activities. In their view, the ability to sell alcohol would actually reduce the risk of any drunken behaviour, as otherwise more people would bring their own alcohol onto the site, which would not be within the control of the event organisers.

As regards the live music, this would not be much louder than the background noise of people talking and of the other unlicensable activities taking place on the site. The Applicants would have people monitoring the levels of the music at the nearest residential property.

In response the Objectors set out their concerns about the impact of the Festival on the peaceable enjoyment of their properties. There were particular concerns about car parking and traffic noise and movements. In their view, this

was not a suitable location for an event of this size. Contrary to view of the Applicants, the Objectors argued that the history events taking place on the site could not be divorced from the licensable activities as they would attract more people and encourage them to stay longer on the site. They argued that that there was no need for the event to sell alcohol after the end of the last lectures and that this would only add to the inconveniences that local residents would already be suffering.

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.

Appeals:

All parties have the right to appeal to the Magistrates Court within 21 days of this decision. Any person has the right to request the Local Authority to review the licence. Such an application may be made at any time, but it is in the discretion of the Local Authority to hold the review, and a review will not normally be held within the first twelve months of a licence, save for the most compelling reasons.

- 14 **Hearing Report**
- 15 **Appendix 1 - Application**
- 16 **Appendix 2 - Site Plan**
- 17 **Appendix 3 - Safety Plan**
- 18 **Appendix 4 - Plans**
- 19 **Appendix 5 - Representation Form**
- 20 **Appendix 6 - Email**
- 21 **Appendix 7 - Premises Licence**

(Duration of meeting: 10.30am – 1.38pm)

The Officer who has produced these minutes is DSO Lisa Moore, of Democratic Services, direct line 01722 434560, e-mail lisa.moore@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115