

EASTERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE EASTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 20 APRIL 2016 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER IN RESPECT OF AN APPLCIATION FOR A PREMISES LICENCE MADE BY NATIONAL TRUST (ENTERPRISES) LTD

Present:

Cllr Desna Allen, Cllr Dennis Drewett and Cllr Glenis Ansell

Also Present:

Wiltshire Council

Hannah Hould – Licensing Officer
Lisa Pullin – Democratic Services Officer
Paul Taylor – Senior Solicitor

Applicant

Jon Payne, Lacey's Solicitors
Eva Stuetzenberger, Designated Premises Supervisor

Responsible Authorities

Richard Francis, Senior Environmental Health Officer, Wiltshire Council
Sgt Beverley Pitchford, Licensing Manager, Wiltshire Police
Martin O'Neill, Licensing Officer, Wiltshire Police

Those who made a Relevant Representation

Andrew Williamson – Chairman, Avebury Parish Council
Kate Fielden on behalf of the Avebury Society
Sara Spratt on behalf of John Wilding and Esther Smith
Ewart Holmes on behalf of Diana Holmes
Cllr Jemima Milton on behalf of Adam Wethered
Michael Polack

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**

There were no apologies.

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 – 14 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**

Before the commencement of the meeting, Cllr Dennis Drewett declared a non-pecuniary interest in the application by virtue of being a member of the National Trust and that his wife was a volunteer for the National Trust at another of their properties. Cllr Glenis Ansell also declared a non-pecuniary interest in the application by virtue of being a member of the National Trust.

In response to a query from Cllr Jemima Milton, the Solicitor for Wiltshire Council confirmed that membership of the National Trust would not of itself affect the ability of a Councillor to consider an application for a premises licence for a specific site.

6 **Licensing Application**

Application by National Trust (Enterprises) Ltd in respect of The National Trust Estate, High Street, Avebury, Wiltshire.

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

During the consultation period, twenty one relevant representations were received from 17 local residents, one from the Parish Council, one from Avebury Society and two from Responsible Authorities – namely Wiltshire Police and Wiltshire Council Environmental Health.

Following the publication of the Agenda the Licensing Officer was notified that the Applicant had supplied Wiltshire Police with a set of conditions which they felt addressed each of the four Licensing Objectives (page 129 of Agenda and page 3 of Agenda Supplement) and subject to the Sub Committee granting any licence with these conditions attached they have no objection to the application. Similarly the Environmental Health Team had agreed a set of conditions with the Applicants and wished to withdraw their representation in anticipation of the inclusion of these conditions on any licence granted.

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 Jon Payne from Lacey's Solicitors and Eva Stuetzenberger (Visitor Engagement and Enterprise Manager and Designated Premises Supervisor) on behalf of the Applicant were:

- The application was consistent with other National Trust estates in the country and this was a modest application for these premises. It was a model adopted by other similar National Trust properties;
- The Applicants wished to enhance the visitor experience for Avebury whilst having consideration of their conservation objectives;
- The Applicants wished to have more flexibility to hold small scale events that were suitable for certain parts of the estate. They proposed to hold three types of events – Events with pre-booked tickets, sign up and join in on the day events and open public events;
- It was the policy of the National Trust to move away from large scale events and hold regular small scale activities. They were not intending to hold an event like "Avebury Rocks";
- They wished to provide non-alcoholic late night refreshment to patrons during the Summer Solstice (which they had been doing previously under a Temporary Events Notice). They had decided to include this within this application to avoid the need to continually apply for a Temporary Events Notice;
- The National Trust's overarching aim was the conservation of the site and village of Avebury and not for financial gain; and

- The National Trust had applied for around 140 Premises Licences, some of which were very similar to this application and the Trust had never had any significant problems – their record was exemplary and was a responsible body with a good track record of efficiently running premises.

The Sub Committee Members asked questions/raised issues with the Applicant and the following issues were addressed:

Q I am confused by your application and not sure why it is much wider than what you say you are seeking today?

A The Applicants wish to enhance the facilities they can offer. The National Trust has adopted this model to apply to their properties and there is no plan to run big events.

Q You are still applying for much more than what you say and earlier you referred to “burdensome conditions”.

A The Applicants would willingly accept conditions – they have negotiated with the Responsible Authorities and agreed a set of conditions that have been accepted.

Q How would you manage the open access areas during an event?

A If we were to hold an event it would be in a specific area that we anticipate would attract 100’s not 1000’s. Event staff would have plans in place to manage the event areas. Events would not be held in the public parkland areas.

Those who had made relevant representations were given the opportunity to ask questions of the applicant and the following issues were addressed:

Q Why did you not consider conditions proposed by residents of Avebury?

A The Applicants wrote to local residents to ask if they would like to offer any conditions but did not have any response back.

Q We request that the application be deferred to enable time for consultation with the village as this has not happened.

A We are all present at the hearing and see no point in deferring the application.

The Chairman confirmed that the 28 day consultation period had been carried out to the satisfaction of Wiltshire Council.

Q Why did you not listen to us and our views?

A The Applicants wrote asking for your views and did not hear back from the residents. We wish to proceed with the application today and we did engage with the Parish Council.

Q Why do you need a blanket licence for such a large area for an event for 1000 people? This is an important World Heritage Site and you the Applicants have not demonstrated knowledge of the area.

A It is not possible to define what will occur in which areas of the estate and the numbers involved. The Trust wishes to have a flexible licence but would be responsible to ensure that it doesn't impact on others. Licensing is not the only method of control and appropriate control measures would be put in place for events. Other Responsible Authorities have not made representations.

Q A letter dated 6 April 2016 on behalf of the Applicants was only received by the Parish Council on Monday 18 April and we only got to have a conversation with the Applicant's Solicitor on Tuesday 19 April.

A The Parish Council were included in the 28 day consultation period – it was regrettable that they did not receive the information in the letter of 6 April but we were able to speak about it yesterday (19 April).

The Parish Council held a special meeting on 30th March and invited the National Trust to attend but no one did. We did wish to consult with the Applicants about the application.

The Chairman reiterated that Wiltshire Council as Licensing Authority had accepted that a valid consultation period was carried out.

Q How can you feel good about serving alcohol at family events?

A The sale of alcohol would only take place at suitable events, not on children focussed events.

Further questions from Sub Committee Members:

Q I am still not clear on the Applicant's intentions and not content that you cannot give numbers for events, in some places it refers to 5000 and others 1000.

A The standard application that was submitted refers to events with up to 4999 people. After submission this was discussed with Environmental Health who suggested up to 1000 people at an event. We would have to consider our volunteer numbers and would have relevant limits in place for certain areas and would but control measures in places for this.

Q I assume you would carry out the relevant Risk Assessments prior to each event?

A Yes, absolutely. The Applicants are restricted by car parking – we couldn't bring in 1000 patrons and get them all parked.

Those who made relevant representations were then invited to address the Sub Committee. Andrew Williamson, Chairman of Avebury Parish Council made the following points:

- The Parish Council represents the 480 people in the village of Avebury and we are aware of the interests of our visitors;
- We are particularly concerned about noise, traffic congestion, inconsiderate parking, spiritual conflicts, poor crowd behaviour and damage to the monuments. We would wish for the application to be deferred or for the application to be rejected;
- The Parish Council wishes that their concerns as set out in their representation be met and that the Applicants properly consult with the Parish Council and the residents of Avebury;
- We wish to see the Trust complying with Wiltshire Council policies and World Heritage Site Management Plan;
- We support the application to provide late night refreshment in the Coach House during summer solstice;
- If a licence is to be granted we would wish for the current Premises Licence to be surrendered, the open areas be excluded from licensable activity, the "Henge" to be excluded from the application;
- Concerned that the licensing of 12 premises for the sale of alcohol is excessive;
- Neighbours and the Parish Council were not consulted – we were told that the Applicants were tidying up their licence for administrative purposes. We called a special meeting to discuss this on 30th March but no one attended on behalf of the National Trust;
- Specific one off licences for particular events will retain control during a period of growth by the National Trust, but a blanket licence for all areas will not. Why shouldn't the Trust apply for specific licences for events like Avebury Rocks – a community based event;
- The Council's statement of Licensing Policy expects Applicants to have regard to the type of premises and the licensable activities to be provided

and for the premises to have the relevant planning permissions in place – 11 of the proposed premises do not have this; and

- We understand that English Heritage will be banning all alcohol consumption at Stonehenge and it is totally inappropriate for the “Henge” area to be included for any licensable activities

Kate Fielden on behalf of the Avebury Society made the following points:

- According to relevant policies, visitor attractions should promote enjoyment, understanding or interpretation of the historic sites and monuments at Avebury. The National Trust appear to have set aside their adherence to this;
- What I have heard today does not ease our worries – the Trust has not consulted with the village; and
- The need for a blanket licence has not been demonstrated and the Applicant has not shown how the Licensing Objectives will be met – please refuse the application.

Sara Spratt on behalf of John Wilding and Esther Smith made the following points:

- The Licensing Objectives have not been adequately addressed – the operating schedule is standard and it doesn’t show how it has been properly considered for the specific needs of Avebury;
- We are concerned about the impact of large scale events. The concerns about the open access points have not been addressed;
- The Applicants have failed to comply with the Council’s Policy and should submit a proper and detailed application;
- The proposed conditions have not been agreed with the residents of Avebury – we say they are vague and not enforceable;
- We hear that the Trust don’t intend to carry out large scale events, but the granting of this licence means that they could if they wished to. 1000 patrons is against what the Applicants have said today and there is a risk of public nuisance for the dispersal of 1000 patrons;
- There are no details of what controls would be put in place and the application is not appropriate and personalised for Avebury – please withdraw and re-consult.

Ewart Holmes on behalf of Diana Holmes made the following points:

- I have lived on the High Street for 25 years and we were delighted when the National Trust bought the estate, things got better and the Avebury Management Plan was drawn up;
- In the last adopted World Heritage Site Management Plan, the emphasis was on consultation and it was the National Trust who endorsed it;
- When we went to the Parish Council meeting we were told that they were seeking a licence for events of up to 5000 people so we all wrote to object about that as we were potentially looking at 2 and a half times the amount of people we get at Summer Solstice. Then 1000 limit was a big step down;
- We have had four generations of National Trust membership and we are angry that our membership subscription is being used in this way;
- The consultation and negotiation process was very exclusive and it left us (the residents) out. 28 days may have been the legal consultation period but it was not conducted in the spirit of proper consultation; and
- Perhaps the Committee members should visit Avebury to fully understand the context of the Application. As it stands the application should be refused.

Cllr Jemima Milton on behalf of Adam Wethered made the following points:

- Avebury is not all owned by the National Trust – whilst there are many National Trust residential properties there are also private properties;
- The blanket cover licence might make it better for visitors to Avebury but not for the residents. We are sad that the Applicants did not come back to us or come to our Parish Council meetings; and
- We hear what the Applicants say what they intend to do today, but that might change tomorrow – we have concern that they can run large scale events. Why they need it – they should have thought about their application more before they submitted it.

Michael Polack made the following points:

- We support the National Trust, but to quote Bill Bryson, “why does it have to be so very annoying?”;
- Early consultation with neighbours might have prevented the need for a hearing – if we had known what was proposed and we were able to share our views;

- I am involved with the “Avebury Rocks” event and we apply for separate licences so that all details of the event are fully covered each time; and
- The Applicant’s say they have no plans for large expansions but we know that this can change. We request that large scale events are applied for separately and that proper consultation between the village and National Trust takes places.

The following question was asked of those who had made relevant representations:

Q Have any problems been caused to neighbours in the area by the National Trust?

A Someone was sick outside my garden gate, but no I couldn’t definitely say it was from someone who had been visiting any of the National Trust facilities.

A It is an irrelevant question as we haven’t yet had any big events at Avebury.

A So far there have been no identified problems but we are uncertain what may happen in the future.

The Solicitor to the Council wished to clarify with the Applicant their intentions for the “Henge” area. The Applicant confirmed that they were not intending to conduct any licensable activities in the Henge area and would be happy to accept a condition to that effect. The Applicant also confirmed that for Summer Solstice the sale of alcohol would be restricted and they would not sell alcohol in the Coach House at Summer Solstice.

The parties were then invited to make any points in summation.

Andrew Williamson, Chairman of Avebury Parish Council made the following points in summation:

- Communication is important. We would all like to agree a good project in a measured way and improve lines of communication. We don’t want to see a blanket licence with conditions; and
- We understand that the National Trust needs to grow. Please with the application or reject it.

Sara Spratt on behalf of John Wilding and Esther Smith made the following points in summation:

- The application fails to comply with Wiltshire Council's Policy requirements – you should reject it; and
- Conditions should be discussed and shared and agreed with all.

Jon Payne from Laceys Solicitors and Eva Stuetzenberger (Visitor Engagement and Enterprise Manager and Designated Premises Supervisor) on behalf of the Applicant made the following points in summation:

- The premises would be run by good organisation to preserve and enhance the visitor experience;
- The premises have an existing Premises Licence and none of the parties have mentioned any particular problems;
- Consultations have been carried out with the experts – Wiltshire Police and Environmental Health – conditions suggested by them were accepted by the Applicant and they would be willing to suggest a limit of 500 patrons from 1000;
- If any resident has a problem during an event we are prepared to have a manned telephone number to call to report problems;
- We have been asked why do we need this application, but need is not pertinent to making the determination of the application. There is no evidence to suggest that the Applicants would not uphold the licensing objectives;
- The Noise Act is not the only control measure that exists if there were any problems and other controls could take precedence and there is already an existing licence for the premises;
- It would be unreasonable to refuse the application as a Premises Licence already exists and it would be up to the Applicants to keep or surrender their existing licence;
- There is no evidence that the Dovecote should not sell alcohol;
- The Applicants did have two meetings with the Chair and Vice Chair of the Parish Council prior to the application being submitted;
- If we had received suggested conditions from the local residents we would have considered them and we feel that the licence should be granted with the additional conditions previously mentioned; and

- If there are problems in the future there is a review process, but the National Trust have never been had any of their licences reviewed.

The Sub Committee members retired at 12.20pm to consider the application and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officers.

The Hearing reconvened at 2.00pm.

Following the deliberations of the Sub Committee Members, it was

Resolved:

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

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
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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.

(Duration of meeting: 10.30am – 12.20pm
Adjournment for deliberation – 12.20pm – 2.00pm
Re-commencement of hearing – 2.00pm – 2.05pm)

The Officer who has produced these minutes is Lisa Pullin, of Democratic Services,
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