

Southern Area Licensing Sub Committee

MINUTES OF THE SOUTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 24 AUGUST 2021 AT ONLINE MEETING.

Present:

Cllr Allison Bucknell, Cllr Ruth Hopkinson and Cllr Trevor Carbin

Also Present:

Sarah Marshall, Senior Solicitor
Katherine Edge, Public Protection – Licensing
Trish Morse, Public Protection
Lisa Alexander, Democratic Services
D Muirhead – Applicant
G Denvir - Representation

1 **Election of Chairman**

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

Resolved:

To elect Councillor Allison Bucknell as Chairman for this meeting only.

2 **Apologies for Absence/Substitutions**

There were none.

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 1 – 6 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**

Licensing Officer's Submission

The Sub Committee gave consideration to a report (circulated with the Agenda) in which determination was sought for an application for a new premises licence, presented by Katherine Edge (Public Protection Officer – Licensing) for which one relevant representation had been received. The application was for the following licensable activities:

Provision of regulated entertainment:

- Live music Outdoors - 11:00hrs – 22:00hrs Saturday
- Recorded music - 11:00hrs – 22:00hrs Saturday

Sale by retail of alcohol:

- On Sales – 11:00hrs – 22:00hrs Saturday

It was noted by the Sub Committee that there were four options available to them:

- i) To grant the licence subject to such conditions as are consistent with those included in the operating schedule submitted with the application, modified to such extent as the Sub Committee considers appropriate for the promotion of the licensing objectives, together with any mandatory conditions required by the Licensing Act.
- ii) To exclude from the scope of the application any licensable activity.
- iii) To refuse to specify a person as the designated premises supervisor.
- iv) To reject the application.

It was confirmed by the Public Protection Officer that the event was for a single day and if it had been an event for fewer than 500 people, it could be covered by a Temporary Event Notice (TEN).

No representations from the relevant authorities were received.

The following parties attended the online hearing and took part in it:

On behalf of the Applicant

- Mr N Muirhead - Applicant

Relevant Representations

- Mr G Denvir a local resident in objection to the application

The Chair advised that as well as the report, the written representations had been read and considered by the members of the Sub Committee in advance of the meeting. The Chair invited the Applicant to introduce their application.

Applicant's submission

The Applicant Mr Muirhead spoke in support of the application, highlighting the following points:

- Attendance – current ticket sales were at 830 and would be capped at 850 to allow for volunteers and security staff etc and to ensure the total in attendance did not exceed 900.
- Only one representation had been received.
- Applicant had worked closely with the Responsible Authorities to ensure a Noise Management Plan was agreed.
- Robust and comprehensive measures to minimise disruption to local residents had been set out.
- Noise from the stage will be capped at 65 decibels so would not to be unreasonable for residents nearby. For a festival this noise level was considered to be quiet.
- The Applicant had employed a Noise Consultant to take readings during the event and deal with any complaints and take appropriate steps (for example adjust the sound) and would have the ability to respond at any time during the event, should concern be raised via phone. A member of staff could be on site within 15 minutes to take noise measurements.
- The stage had been repositioned so that speakers were now facing away from local residents.
- The Applicant was happy to adjust the application to ensure everyone was happy and content.

Sub Committee Member's questions

In response to Members questions points of clarification were given below:

- Have you put on any events at this location before?
Answer from the Applicant: No, Salisbury Pride had not operated here before. The company is a start-up Event Management company with premises in Amesbury and Bournemouth. We are used to delivering music events for 300 – 600 people.
- So this event is larger than your previous event expertise?
Answer from the Applicant: We will be delivering the bar service for this event. The people operating the stage and lighting have operated events for many years. There is experience of dealing with events in the Market Square (Salisbury) and events for up to 2000 between the team.
- You mentioned a telephone number would be available for a response within 15 minutes, how easy is it to find that number?
Answer from the Applicant: It was included in letters that were delivered by hand to local residents and on the local Pride website and on social media pages.
- What measures have been taken to make sure the numbers attending would be kept to the maximum permitted?
Answer from the Applicant: Due to the popularity of the event it is now ticket only. Tickets will have bar codes and they will have security on the gate and counting people in or out of the event.

- What did the boundaries consist of?
Answer from the Applicant: They would be 6ft Harris fencing around the event with fencing marshals and door supervisors around the exit points.

Questions from those who made a relevant representation

There were no questions.

Submissions from the party who made a relevant representation;

- The Sub Committee were referred to the details as set out on P46 of the agenda pack.
- My concerns relate to the question of amplified music, as I raise no objection to the event itself.
- The applicants have set out mitigation measures and I am grateful for these.
- The Noise Management terms had been set out in broad terms.
- I agree the stage had now been reversed and the amplifiers now faced away from our houses.
- The aerial photos in the pack on p43 the 5 triangles indicating the noise monitoring, I am left of the point second most northerly, to the top, therefore my house is few yards from the stage. What this mitigation means – rather than having the stage on the south, it is on the north side facing away, so it is now much closer to me.
- Whether the measure is effective will only be judged whilst the event is on.
- I have no way of knowing what 65 decibels will sound like.
- As code of practice makes clear – noise levels vary enormously depending on environmental factors at the time.
- Although noise will be monitored, in my opinion by then it will be too late.
- Guidelines are no more than that and the authority has in my view the liberty to take other considerations
- This is a much bigger and more elaborate event than has ever been held here before. I moved here 2016, however my mother-in-law had lived here since 1980s.
- There will be a large number of people on site such that the organisers feel it is necessary to appoint security and for the event to be fenced off.
- This is an open-air auditorium.
- Elizabeth Gardens are too small and too close to housing in my view for an event with this kind of amplified music.
- I hope the Sub-committee agree with my recommendations that there be no amplified noise at this event or to move the event to an alternative site better suited for this type of event. If the application is approved, please consider reducing hours when the amplified music can be played to 10:00pm.
- Different people have different sensitivities to music and what is nice for one person is not nice for another person.

- I prefer classical music to pop music. I listen to my music in the car or go to a music hall. I don't play my music through loudspeakers outside other people's houses.

Sub Committee Members' questions

In response to Members questions points of clarification were given below:

- The Chair stated that regarding the point about not knowing what 65 decibels would sound like, the Sub Committee are able to ask the Public Protection Officer who is in attendance to make a comparison for us.
- The Public Protection Officer confirmed it would depend on location and acoustics around you. Talking loudly in a certain place could be 65 decibels, however for an event such as this 65 decibels at a festival would not be unreasonable. At a festival like Glastonbury, the levels would likely be at around 75 decibels to the nearest property, but that would be because those properties would also be further away. If an act is on for one hour as part of the Noise Management Plan, they would have to take readings at the start and in the middle to make sure the sound levels are remaining at the same level throughout.
- The event organisers were asked to liaise with local residents in this case. It is a one off event and residents could also if they wish make a choice to go out if they did not wish to listen to the event.

Questions from the Applicant:

There were no questions.

Closing submissions from those who made relevant representations

In their closing submission, the person who had made a relevant representation in objection to the application highlighted the following:

- I ask you to bear in mind my points made about variation perception and add that the only notice I have had from organisers was that on the telegraph pole outside. I have not received any letters from the organisers at all. .

Applicant's closing submission

In their closing submission, the Applicant highlighted the following:

- I would like to provide assurance that although this event will not be inaudible, I hope that the measures we have agreed with the Noise Management Plan mean the event will not cause a statutory nuisance.
- There will be opportunity to communicate with us on the day.
- We chose the finish time to be 10:00pm because of the residential area and we felt 11 pm was too late.

- We have our handheld device and whether or not 65 decibels is acceptable we will be able to discuss this with you on the day. However the noise levels for the Salisbury market can reach up to 85 decibels.
- We agree that dialogue is essential and aim to maintain that throughout the event.

Points of Clarification Requested by the Sub Committee

That the dedicated Noise Complaint line should be made available to those who made a representation

The Sub Committee then adjourned at 10:09am and retired with the Senior Solicitor and the Democratic Services Officer to consider their determination on the licensing application.

The Hearing reconvened at 10:27am.

The Senior Solicitor advised that she gave the following legal advice to the Sub Committee

- Legal advice was given in respect of the information given by the Public Protection Officer .

RESOLVED:

At its meeting held on 24 August 2021, the Southern Area Licensing Sub Committee resolved to GRANT the Premises Licence in respect an event in Queen Elizabeth Gardens, Mill Road, Salisbury, SP2 7RZ as applied for to include the activity and timings detailed below with one condition;

Licensable Activity	Timings	Days
Provision of regulated entertainment Live music Outdoors Recorded music	11:00hrs – 22:00hrs	Saturday
Sale by retail of alcohol ON Sales	11:00hrs – 22:00hrs	Saturday

Condition:

That the telephone number for contacting the event organisers regarding noise level concerns on the day of the event is made publicly available and that a log be kept of any calls received.

Reasons for Decision

In reaching its decision, the Sub Committee took account of and considered all the written evidence and the representations from all parties and the oral submissions received from Mr Nathan Muirhead on behalf of the Applicant and

Mr Gabriel Denvir who made a relevant representation at the hearing. The Sub Committee also noted the brief general information provided at the meeting regarding comparisons of noise levels at events. The Sub Committee noted the concerns raised by Mr Denvir who had made a representation at the hearing relating to public nuisance, with regards to noise and the proximity of the stage and speakers to his property and his view that an event of this size and length of time was not appropriate for the location due to its proximity to a residential area.

The Sub Committee noted that the license was for a one day event which had not taken place before at Queen Elizabeth Gardens and as such no evidence could be presented to support claims that the proposed event would cause a public nuisance. In addition the Applicant had conducted a noise survey and had made adjustments to minimise the impact of noise, such as repositioning the stage and speakers on the site. The Applicant acknowledged that he was willing to work with the local residents to alleviate any concerns and was an experienced event organiser, as such he had worked closely with the Responsible Authorities on a Noise Management Plan. The Applicant confirmed to the Sub Committee that they had employed a Noise Consultant and that the noise levels would be capped at 65db during the event.

The Sub Committee welcomed the availability of an emergency telephone number which could be used by members of the public to report any issues if they arose and sought an assurance from the Applicant (which was given) that should an issue be reported, it would be dealt with immediately. If the issue related to noise levels, there would be staff on site who would be deployed with a noise monitor to take a reading at any given point on the site and then act appropriately should noise levels be found to be excessive.

The Sub-Committee took the view that it would be appropriate to require the applicant to provide an emergency phone number to be made publicly available. This along with a log of any noise complaints received would create a document which could be provided on the request of Responsible Authorities.

The Sub Committee gave weight to the following matters below;

- 1) The licence was for one day only.
- 2) That none of the responsible authorities had raised concerns about the application.
- 3) The Applicant's willingness to work with the local residents to alleviate concerns and his experience in event organisation.

The Sub-Committee also considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 18); the four Licensing Objectives; the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

Right to Appeal

It should be noted that the Premises Licence Holder, any Responsible Authority(ies) and 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. In the event of an appeal being lodged, the decision made by the Licensing Sub Committee remains valid until any appeal is heard and any decision made by the Magistrates Court.

A Responsible Authority or an Interested Party may apply to the Licensing Authority for a Review of a Premises Licence. Whether or not a Review Hearing takes place is in the discretion of the Licensing Authority, but, if requested by an Interested Party will not normally be granted within the first 12 months except for the most compelling circumstances.

- 7 **Appendix 1 - Premises Licence Application**
- 8 **Appendix 1a - Revised Plan**
- 9 **Appendix 2 - Representation**
- 10 **Appendix 3 - Location Map**
- 11 **Appendix 4 - Correspondence**
- 12 **Appendix 5 - Live Music Act 2021**

(Duration of meeting: 9.30 - 10.35 am)

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

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