

## WESTERN AREA LICENSING SUB COMMITTEE

---

### **DRAFT MINUTES OF THE WESTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 22 APRIL 2013 AT THE LAVERTON, BRATTON ROAD, WESTBURY BA13 3EN IN RESPECT OF AN PREMISES LICENCE - SUNRISE FESTIVALS 2013**

#### **Present:**

Cllr Desna Allen, Cllr Trevor Carbin, and Cllr Jonathon Seed

#### **Also present**

##### **Sunrise Festivals**

Mr D Hurring  
Mr G Boal  
Mr A Leppingwell  
Ms S Le Fevre

##### **Persons who made relevant representation**

Mrs A Campbell  
Ms S R Minty  
Mr R Thwaites  
Mr C Good & Mrs P Good  
Mr L Walker  
Mrs P Bailey  
Mr R Bailey  
Mr M Brake  
Mr T Wallis  
Mr D Thomas  
Cllr F De Rhe Philipe  
Mr D Holmyard & Mrs E Holmyard  
Mr J Bruce  
Mr P Jefferson  
Mrs V Emery representing Mr J Bower  
Mr S Belgrave representing himself and Mr N Emery  
Mr N Lucas  
Mrs I Lewis  
Ms S V Lock representing Mrs J Collier  
Mr W Harridge & Mrs J Harridge  
Mr K Collins representing Mr P Powell

Mrs J Johns  
Mrs P Thomson  
Mrs S Simpson  
Mr A Campbell  
Mrs D Lanham  
Cllr D Barnard representing Chapmanslade Parish Council  
Cllr J Willmott representing Chapmanslade Parish Council  
Mrs L Biddiscombe

**Supporting application**

Ms F Penfold  
Ms Sioux How

**Wiltshire Council**

Mrs K Golledge  
Ms A Wilkinson  
Mr J Freegard  
Mr P Taylor  
Ms P Denton

**Wiltshire Police**

Ms J Gallimore  
Chief Inspector C Dibble  
Mr D Bennett

**Other**

A S Anderson  
Ms W Elkins  
Alex Michael  
Mr D Shalesby  
Cllr F Morland

---

1 **Election of Chairman**

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

**Resolved:**

**To elect Councillor Jonathan Seed 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 – 6 of the Agenda refers).

## 3 **Chairman's Announcements**

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

## 4 **Declarations of Interest**

There were no interests declared.

## 5 **Licensing Application**

### **Application for a time limited Premises Licence by Sunrise Festival 2013 Ltd, Thoulston Park Golf Club, Thoulston, Chapmanslade, BA13 4AQ**

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 persons who made relevant representation were given the opportunity to address the Sub Committee.

Key points raised by Ms Le Fevre on behalf of the Applicant were:

- This would be a family-friendly festival.
- Tickets were not cheap
- The applicants had already successfully run similar festivals since 2006
- Testimonies had been received from other local authorities and parish councils
- The event would be staffed by SIA trained personnel as well as green stewards, volunteer marshalls and traffic management personnel.
- Detailed planning is recorded in the Event Management Plan
- Previous events had initially attracted opposition however for subsequent events there had been minimal objections
- Consultation had been held from an early stage, the Police had now withdrawn their objections reflecting their contentment with the application and Management Plan
- Sunrise had agreed to pay for special Police services.
- Noise levels proposed by the Environmental Health team had been accepted. The only remaining issue was how those levels would be measured.

Mr Anderson, Acoustic Consultant for Sunrise Festivals was called to explain his professional experience and qualifications. He then answered questions from Mr Freegard, Public Protection Officer for Wiltshire Council, on the propagation prediction spreadsheets detailed in the Event Management Plan. Questions were also asked regarding the interpretation of 'desensitized properties'.

Ms Le Fevre then drew attention to letters that had been sent out to residents from Sunrise Festivals which detailed arrangements that had been made for the festival. She also drew attention to the 14 letters of support received and Mr Hurring, the event organiser, confirmed that these had not been solicited.

Ms Le Fevre then asked Mr Hurring to explain how Sunrise Festivals were attempting to address the concerns raised by residents in respect of parking, security and traffic issues.

Mr Hurring explained:

- Traffic marshalls would be monitoring all potential parking points 24 hours a day.
- There was a no parking or waiting order within half a mile of the site.
- Pedestrians would not be allowed to enter the site on foot.
- Responsible Authorities were content with arrangements that had been made for traffic control.
- Security proposals were sound based on previous experience plus knowledge of crowd safety and management.
- The two ponds on the site would be fenced off.
- There would be a daily litter sweep and the site would be clear five to seven days after the festival.
- Traffic would not be allowed to back up on the roads, an overspill field was available.
- Nearest residences would be given residents passes and their access would be a priority.
- There would be 24 hour security near to closest properties however crime was not associated with the festival.
- Lighting in the car parks should not affect any adjacent properties.

Ms Le Fevre then asked Mr Lepingwell, the event organiser, about the suitability of the land

Mr Lepingwell replied that the bunds on the golf course were constructed with material brought in from elsewhere. A farmer had been using the land over some period of time and there had not been any instances of any dangerous substances found. If anything were to be found then that area would be fenced off.

The parties were given the opportunity to ask questions of the Applicant.

Questions were raised regarding the following:

- Noise levels and clarification regarding desensitized properties.
- Why Thoulston Park House had not been included in the noise predictions.
- Security of residential properties in the vicinity.
- Parking and control of people who wish to leave the site and return of foot.
- The effect of low frequency noise.
- Who to contact in case of complaint.
- How traffic would be controlled.
- Start and finish times of buses.
- Had environmental surveys been carried out.
- Who would carry out the mobile security patrol.
- Had lessons been learnt from previous difficulties encountered when the festival had been held in Somerset.
- The strength of the company to take responsibility for the event and any difficulties that may arise.
- How complaints about noise levels would be dealt with.
- Were there enough resources to monitor the noise.
- Would extra Police be available outside the venue as well as inside.

The Chairman then invited comments from the Responsible Authority. Ms Golledge replied that the issue of noise levels at sensitive properties still needed to be addressed at the hearing.

Mr Freegard said that he was still not satisfied that a blanket figure of 60dB would be acceptable, and he was concerned that no allowances had been made for the orientation of the main stage. He was also concerned about the length of the festival and would not expect music to be played on the Thursday.

The Sub Committee then adjourned for lunch at 1.05pm.

The meeting resumed at 1.45pm.

Ms Le Fevre informed the Sub Committee that an agreement regarding the noise conditions had been agreed as follows:

On Thursday, at nearest noise sensitive properties:

50dB 17.00 to 23.00 hrs

Reducing to 40dB 23.00 – 01.00 hrs

Music to be inaudible outside residential receptors after these times

The Sub Committee then heard from the following persons who had made representation

Ms Diana Lanham  
Mr R Bailey  
Mr James Bruce  
Mr Trevor Wallis  
Mr Stephen Belgrave  
Mr Julian Bower  
Mr V Emery  
Mrs Pat Bailey  
Mr D Barnard  
Mr Philip Jefferson  
Mrs P Thompson  
Ms Isabel Lewis  
Mr Davis Thomas  
Mr David Holmyard

Issues raised included:

- The omission of Thoulston Park House from the noise assessments, when this property was the one most likely to be affected by noise from the main stage
- The effect of unamplified music and the general noise generated by a large number of people, which did not appear to be addressed in any of the proposed conditions
- The disproportionate impact of low frequency noise and the need for this to be addressed.
- The effect of the proposed event on wildlife in the area
- The high number of accidents on the A36 in the vicinity of the site and the increased risk of accidents if the event were to take place
- The lack of time available to the public to consider the detailed arrangements proposed by the organisers in the Event Management Plan
- The inadequacy of the notice given of the application, both on site and in the press
- Concerns about the financial history of these events and the financial security of the company organising the current proposed event
- Although there were only a relatively small number of properties that would be affected, the residents were still entitled to enjoy their properties without the disruption that this event would cause.

The Sub Committee members then retired to consider the application at 3.10pm and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

The Hearing reconvened at 4.10pm.

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:

That wildlife was not a licensable objective.

Time limits had been taken into account.

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 Western Area Licensing Sub Committee has resolved to GRANT the application for a time limited Premises Licence as follows:

Premises Licence from 12 noon on Thursday 30 May 2013 to 05:00 hrs Monday 3 June 2013 for Sunrise Festival, Thoulston Park Golf Club, Chapmanslade, Wiltshire for the following licensable activities:

<b>Licensable Activity</b>	<b>Timings</b>	<b>Days</b>
<u>Provision of regulated entertainment</u>		
Plays (In & Outdoors) Indoor Sporting Events	12:00 Thursday – 00:00 Sunday	Thursday to Sunday
Films (In & Outdoors)	12:00 Thursday – 04:00 Monday	Thursday to Monday
Live music (In & Outdoors) Recorded music (In & Outdoors) Performance of dance (In & Outdoors) Anything of a similar description (In & Outdoors) – Circus Performance, Marching & Street Bands, Walkabout Performance & Similar	12:00 Thursday – 02:00 Monday	Thursday to Monday

<u>Provision of entertainment facilities</u>  <b><u>Facilities are no longer licensable</u></b>  Making Music (In & Outdoors)  Dancing (In & Outdoors) Entertainment of a similar description (In & Outdoors)	12:00 Thursday – 04:00 Monday  12:00 Thursday – 02:00 Monday	Thursday to Monday  Thursday to Monday
Provision of late night refreshment (In & Outdoors)	23:00 Thursday – 05:00 Monday	Thursday to Monday
Supply of Alcohol (On the premises)	12:00 Thursday – 01:30 Monday	Thursday to Monday
Hours premises are open to the public	10:00 Thursday – 16:00 Monday	Thursday to Monday

Subject to the following conditions:-

1. The licence holder shall at all times comply with the detailed arrangements for the event set out in the final agreed version of the Event Management Plan.
2. The event will not take place until the Crime and Disorder and Public Safety elements of the Event Management Plan, (in particular the Drugs Policy, policing levels, security/stewarding levels, hours of alcohol sale, age verification, traffic management) have been submitted and approved by the Licensing Authority in consultation with Wiltshire Police. The final version of the Event Management Plan will be submitted not later than 30 days prior to the event. No changes likely to have an adverse impact on Crime and Disorder or Public Safety may be made after the Event Management Plan has been approved by the Licensing Authority in consultation with Wiltshire Police without the written consent of both those parties.



3. The maximum noise levels to apply shall be as follows:-

- a. 50dB between 17.00 and 23.00 – Thursday  
40dB between 23.00 and 01:00 – Thursday to Friday morning  
60dB between 12.00 and 23.00 – Friday, Saturday and Sunday  
50dB between 23.00 and 00.00 – Friday, Saturday and Sunday  
45dB between 00.00 and 02:00 – Saturday and Sunday morning

Music to be inaudible outside residential receptors after these times

**Applied to Thoulston Park House, Thoulston Cottages and Spinney Farmhouse only.**

- b. 47dB between 17:00 and 23:00 – Thursday  
37dB between 23:00 and 01:00 – Thursday to Friday morning  
57dB between 12.00 and 23:00 - Friday, Saturday and Sunday  
47dB between 23:00 and 00:00 - Friday, Saturday and Sunday  
42dB between 00:00 and 02:00 - Saturday and Sunday mornings

Music to be inaudible outside residential receptors after these times

**Applied to Chalcot house only.**

- c. 40dB between 17:00 and 23:00 – Thursday  
30dB between 23:00 and 01:00 – Thursday to Friday morning  
50dB between 12.00 and 23:00 hrs - Friday, Saturday, Sunday  
40dB between 23:00 hrs and 00:00 - Friday, Saturday, Sunday  
35dB between 00:00 and 02:00hrs - Saturday and Sunday mornings

Music to be inaudible outside residential receptors after these times

**Applied to Dilton Court Farm and Clearwood View only.**

4. The maximum levels of low frequency noise shall not exceed the following on all days:-

Between 12:00 and 23:00 – 75dB at 63 and 125 Hz ( based on 60dB MNL)

Between 23:00 and 00:00 - 70dB at 63 and 125 Hz ( based on 50dB MNL)

Between 00:00 and 02:00 – 65dB at 63 and 125 Hz ( based on 45dB MNL)

and to be inaudible outside residential receptors after these times

### **Reasons:**

The Sub Committee acknowledged the concerns raised by residents in their oral and written representations regarding public safety, the prevention of public nuisance and the prevention of crime and disorder. However the Sub Committee felt that these issues had been appropriately addressed by the applicant in their event management plan and arrangements for the event and that they had also been discussed with responsible authorities and other relevant agencies during the planning of the event. The Sub Committee 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 conditions proposed. They felt that these conditions were appropriate to address the licensing objectives of the prevention of public nuisance and public safety and that the conditions, together with the arrangements in the operational plan adequately addressed the concerns raised by the residents about those objectives and also the objectives of the prevention of crime and disorder and protection of children from harm.

### **Evidence:**

The Sub Committee heard evidence from the applicant regarding their proposals for a four-day music festival at the Thoulston Park Golf Club site, between 30<sup>th</sup> May and 2<sup>nd</sup> June 2012. The applicants explained the history of previous events held in Somerset and drew attention to the low level of objections received after the initial events, indicating, in their view, that the understandable concerns of local residents in advance of those events had proved to be unfounded. Mr. Anderson, the Applicants' noise consultant, explained that a comprehensive noise prediction survey had been carried and that, in his view, the event could meet the proposed maximum noise levels.

The Applicants accepted that they had incorrectly treated Thoulston Park House as being 'desensitised' and stated that they would discuss with the occupants of that property what measures might be put in place to assist them.

Mr. Hurring, on behalf of the applicants, explained the proposals as set out in the event management plan to address the other issues that had been raised by the objectors, mainly those relating to traffic, parking, security, litter and access for residents. He drew attention in particular to the following:-

- There would be marshalling at perceived vulnerable parking points, with a 24 hour community safety patrol
- No entry would be allowed to customers arriving on foot
- All responsible authorities were satisfied with the traffic management arrangements. If traffic began to stack up on the Thursday, prior to the start of the event, they would allow access to the car parks
- Arrangements were in place to give priority to local residents to allow them access to their properties.

Mr Freegard, on behalf of the Public Protection Team, stated that he remained concerned that two properties had not been included in the noise predictions and that the event was to last for four days

Evidence was then given by and on behalf of a number of those local residents who had made relevant representations. Among the issues raised were:-

- The omission of Thoulston Park House from the noise assessments, when this property was the one most likely to be affected by noise from the main stage
- The effect of unamplified music and the general noise generated by a large number of people, which did not appear to be addressed in any of the proposed conditions
- The disproportionate impact of low frequency noise and the need for this to be addressed.
- The effect of the proposed event on wildlife in the area
- The high number of accidents on the A36 in the vicinity of the site and the increased risk of accidents if the event were to take place
- The lack of time available to the public to consider the detailed arrangements proposed by the organisers in the Event Management Plan
- The inadequacy of the notice given of the application, both on site and in the press
- Concerns about the financial history of these events and the financial security of the company organising the current proposed event
- Although there were only a relatively small number of properties that would be affected, the residents were still entitled to enjoy their properties without the disruption that this event would cause.

### Considerations

In considering the representations made by the parties, the Sub Committee were satisfied that adequate notice of the application had been given and that there had been an opportunity for the residents' concerns to be raised. They accepted that the objectors had only had a limited time to address the detailed proposals by the applicants and took this into account in considering how much weight to give to the submissions by the parties. They also took into account the comments regarding the financial history and status of the applicants, but were satisfied that, to the extent that this was relevant to the licensing objectives, this did not affect their decision on the merits of the application.

The Sub Committee considered that the applicants had prepared a comprehensive event management plan that was acceptable to the relevant responsible authorities. For the reasons stated above, the Sub Committee therefore felt it appropriate to grant the licence, with the additional conditions specified.

In reaching its decision, the Sub Committee took into account the views of the Responsible Authorities, all of the written relevant representations contained within the agenda papers and presented at the hearing, the oral representations received at the hearing 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.

### **Right to Appeal**

All parties have the right of to appeal to the Magistrates Court within 21 days of the notification of the decision.

(Duration of meeting: 10.00 am - 4.15 pm)

The Officer who has produced these minutes is Sam Bath, of Democratic Services,  
direct line 01225 718211 , e-mail [Samuel.bath@wiltshire.gov.uk](mailto:Samuel.bath@wiltshire.gov.uk)

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