

NORTHERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE NORTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 4 JUNE 2013 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER FOR THE CONSIDERATION OF WILTSHIRE POLICE AND PUBLIC PROTECTION TEAM OBJECTION NOTICES IN RESPECT OF FOUR TEMPORARY EVENTS NOTICES (TENS) FOR WOMAD, CHARLTON PARK, CHARLTON, MALMESBURY, WILTSHIRE.

Present:

Cllr Desna Allen, Cllr Chris Caswill and Cllr Dennis Drewett

Also Present:

Jacqui Gallimore (Wiltshire Police representative), Kate Golledge (Public Protection Manager Licensing – Wiltshire Council), Lisa Pullin (Democratic Services Officer – Wiltshire Council), Graham Steady (Public Protection Manager, Food and Environment - Wiltshire Council) and Paul Taylor (Senior Solicitor – Wiltshire Council)

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 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 – 8 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**

Consideration of Wiltshire Police and Public Protection Team Objection Notices in respect of four Temporary Events Notices (TENs) for WOMAD, Charlton Park, Charlton, Malmesbury, Wiltshire.

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

The Licensing Officer reported that since the service of the TENs an email had been received from Mr Christopher Smith on behalf of WOMAD agreeing to amend two of the TENs so that Regulated Entertainment at the Backstage Bar and the San Frans Disco bar had been reduced to end at 02:00 (instead of 04:00). Wiltshire Police had requested that a number of conditions that were currently included within the Premises Licence be included on the TENs. The Licensing Officer reported that WOMAD's representative (who was not present at the hearing) had verbally agreed to these conditions being included within the TENs.

In accordance with the hearing procedure detailed in the agenda, the Public Protection Team representative and the Wiltshire Police representative were given the opportunity to address the Sub Committee.

Key points raised by Graham Steady, Public Protection Manager, Food and Environment (Wiltshire Council Public Protection Team) were:

- The Public Protection Team were happy that the end time of the Regulated Entertainment for the Backstage Bar and the San Frans Disco Bar had been reduced back to 02:00; and
- That although the Backstage Bar would now be starting a day earlier (Wednesday 24 July) if the noise condition from the existing Premises Licence was included this would alleviate any additional noise nuisance.

Key points raised by Jacqui Gallimore, representative for Wiltshire Police were:

- If the TENs were to be allowed and the conditions they were requested were included, where would these be detailed? They would require clarity for their enforcement purposes.

The Licensing Officer confirmed that the conditions would form part of the Decision Notice which would be attached to the TENs which would be countersigned by the Chairman of the Sub Committee.

The Sub Committee then retired to consider the application at 2.45pm with the Solicitor for Wiltshire Council and the Democratic Services officer.

The Hearing reconvened at 3.20pm.

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 Northern Area Licensing Sub Committee has considered the Objection Notices submitted by Wiltshire Police and Wiltshire Council's Public Protection Team.

The Sub Committee has decided not to issue Counter Notices in respect of any of the Temporary Events Notices and therefore to allow the four Temporary Events Notices as follows:

Core Crew Camping Bar	Sale of alcohol from 18:00 on Tuesday 23 July to 04:00 each day until Monday 29 July 2013. Provision of late night refreshment from 23:00 to 04:00 each day until Monday 29 July 2013.
Backstage Bar	All licensable activities from 12:00 on Wednesday 24 July to 04:00 on Monday 29 July 2013 with the exception of Regulated Entertainment from Friday 26 July to Monday 29 July 2013 which will end at 02:00.
San Frans Disco Bar	All licensable activities from 23:00 on Thursday 25 July through to 04:00 on Monday 29 July 2013 with the exception of Regulated Entertainment from Friday 26 July to Monday 29 July 2013 which will end at 02:00.
Molly's Bar	Sale of alcohol and provision of late night refreshment from 23:00 on Thursday 25 July through to 04:00 on Monday 29 July 2013.

The Sub Committee decided to impose the following conditions which are part of the existing Premises Licence:-

1. In relation to the Backstage Bar the following noise condition – That at monitoring points A B and C on the map the daytime criteria will be 50dB

L_{Aeq}, 15 minutes (+/- 3 dB) and the night time criteria at these locations will be 45dB L_{Aeq}, 15 minutes. At point X the criteria will be 55 dB L_{Aeq} 15 minutes (+/- 3dB), daytime and 45 dB L_{Aeq}, 15 minutes (+/-) night time. The 3 dB leeway is to allow for demonstrable influence from residual noise sources, (night time criteria to take effect from 23.00 hours).

In relation to all of the four Temporary Events Notices:-

2. The Event shall be managed in accordance with the Event Management Plan.
3. Each bar where alcohol is being sold at the Event shall be under the direct supervision of a Personal Licence Holder and a Schedule of Personal Licence Holders detailing which areas each is responsible for shall be provided to the Licensing Authority at least one week prior to the event.
4. An effective staff and public communication system including radio communication for all key staff and means of communication with all spectators shall be provided.
5. A recognised proof of age, which includes a photograph, is to be required for anyone who appears to be under the age of 21 and who wishes to purchase or consume alcohol.
6. The Licence Holder shall provide to Wiltshire Police and the Licensing Authority a list of names of all Security Staff working at the event together with their SIA Badge Numbers at least one month prior to the event.
7. The Licence Holder shall provide and maintain a CCTV system to the satisfaction of Wiltshire Police.
8. The Licence Holder shall ensure that the Statement Policy on drugs as detailed in the Operation Schedule is followed throughout the Event.
9. A Risk Assessment from the Security Company is to be provided to Wiltshire Police at least one month prior to the event.
10. The Premises Licence Holder is to provide a full schedule of security manning numbers, hours and areas of operation at least one month prior to the event.
11. Radio WOMAD must be fully operational prior to the commencement of the event, and during the event.

Reasons:

The Sub Committee considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 105); the guidance issued under Section 182 of the Act, in particular part 7, paragraph 7.23, and the licensing policy of Wiltshire Council.

The Sub Committee reached their decision after consideration of the written evidence presented together with the oral evidence on behalf of the Police and Environmental Protection given at the hearing.

Right of Appeal

The Premises User may appeal to the Magistrates Court against the Sub Committee's decision to issue a Counter Notice. The Chief Officer of Police and or/Environmental Health Officer may appeal against a decision not to issue a Counter Notice. Any appeal must be lodged within 21 days beginning with the day of notification of the decision. No appeal may be brought later than five working days before the day of the proposed temporary events.

(Duration of meeting: 2.30pm – 3.20pm)

The Officer who has produced these minutes is Lisa Pullin, of Democratic Services,
direct line 01225 713015 or email lisa.pullin@wiltshire.gov.uk

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