

## SOUTHERN AREA LICENSING SUB COMMITTEE

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**DRAFT MINUTES OF THE SOUTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 14 MAY 2018 AT THE NADDER CENTRE, WEAVELAND ROAD, TISBURY, SP3 6HJ IN RESPECT OF AN APPLICATION FOR A PREMISES LICENCE; CHALKE VALLEY HISTORY FESTIVAL, BROAD CHALKE, SALISBURY, SP5 5DS**

**Present:**

Councillor George Jeans  
Councillor Robert Yuill  
Councillor Allison Bucknell

**Also Present:**

Lisa Moore, Democratic Services Officer  
Sarah Marshall, Senior Solicitor, Legal  
Asifa Ashraf, Legal Officer  
David Foster, Relevant Representation  
Caroline Foster, Relevant Representation  
Philip Cryer, Solicitor for Mr & Mrs Foster  
Rachel Holland, Applicant  
Marcus Lavell, Barrister for the Applicant  
Ian Garrod, Licensing Officer  
Linda Holland, Licensing Team Leader

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**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**

Cllr Mike Hewitt gave his apologies and was substituted by Cllr George Jeans.

**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 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 and referred to the Officers report, appendices, the 2017 application and decision notice and the Event Safety Plan. The Licensing officer also referred to the appeal procedure. The application process requires the application to be advertised by the Applicant in a local news publication and by public notice on blue paper posted on the premises. The application was also advertised by the Licensing Authority on its website for 28 days. The applicant delayed advertising the blue notices at the site and the consultation period was extended to 27 April 2018 to reflect this and the short delay in placing the blue notices on site was considered to have no effect on the consultation

During the consultation period one relevant representation in objection has been received from Mr David and Mrs Caroline Foster and one relevant representation in support has been received from the Broad Chalke Parish Council.

The event would take place between 25 June 2018 to 1<sup>st</sup> July 2018.

The Applicant confirmed that the Application was not to be time limited.

The representations in objection had raised concerns relating to disturbance caused by visiting large crowds; noise; influx of large numbers of vehicles in small streets; excessive alcohol and entertainment hours and light pollution;

In accordance with the procedure detailed in the agenda, the Applicant was given the opportunity to address the Sub Committee. The Applicant referred to the Event management plan, Site plan and other plans which were included with the application documents.

There was no attendance (and no representation made) by the Responsible Authority.

Mr Marcus Lavell for the Applicant spoke to inform the Sub Committee that the parties considered that a number of the issues raised in the objection could be narrowed, following further discussions with the Objector's solicitor Mr Cryer. Mr Cryer and Mr Lavell both felt that a short adjournment to consider and narrow those issues would be helpful for the parties and Sub-Committee.

The Applicant had produced a short statement by Rachel Holland as late correspondence and it was proposed by Mr Lavell that if the members could read the statement during the adjournment. Mr Cryer confirmed there was no objection to the statement of Rachel Holland being read, however there was an objection to the appendices referenced in the statement.

Mr Lavell informed the Sub-Committee that a discussion with Mr Cryer would deal with the duration of the license, the period in which the licence could be used, the activities (including the duration/timings of the activities) in the licence and he would wish to propose some suggested conditions to the Sub-committee following a discussion with Mr Cryer.

The Sub-Committee agreed to the request for a short adjournment and to being presented with copies of the Statement (without appendices) of Rachel Holland, for consideration during the adjournment.

The Sub-Committee adjourned at 10.42am to 11.05am.

The Chairman welcomed parties back at 11.05 Mr Lavell and Mr Cryer confirmed to the Sub-Committee that they have been able to reach a compromise and if the modifications are agreed by the Sub-Committee the representation can be withdrawn. The Chair confirmed that the Sub-Committee had only read the statement of Rachel Holland (without the appendices).

The Chair noted and accepted an amendment (to correct a typographical error on page 52/53) to the Event Management Plan.

- Key point raised by Mr Lavell representing the Applicant were that as the Sole Representation may be now withdrawn the Applicant can present their proposed amendments.
- The amendments as proposed by the Applicant now are;
- Sale of alcohol hours  
Sunday 10:00 - to 23:00 – the Applicant will reduce 10:00 - 22:00  
Monday – Thursday 10:00 – 23:00 remains as is  
Fridays and Saturdays 10:00 - 00:00
- The application does not limit the dates on which alcohol can be carried out – restricted to a single event, no more than 10 days in duration to be held in the months of June and July.
- A separate condition – on the wording to be detailed by Mr Cryer.

Questions - None from officers or members.

Key point raised by Mr Cryer, Solicitor representing Mr and Mrs Foster who made a Relevant Representation were:

- Concerning the wording – he noted the Applicants are happy to restrict the licence to one event for the purposes of the Chalke Valley History Festival featuring Workshops for which licensing ancillary activities are licensable to the event but his clients are prepared to concede that in future an extension to the days maybe necessary and they are happy to be flexible about this
- His clients have lived in the village for 23 years, and though they intend to move they do feel an obligation to the village in the future.
- This licence as a permanent licence needs to be fit for the purpose for the holding of the Chalke Valley History Festival in future.
- An additional increase of half hour on all days except Sundays which would be 22:30.

His clients had been affected by the constant intermittent noise by the vehicles attending the Chalke Valley History Festival coming down the track every day and the Applicants were now hoping to implement an improved trackway, battery operated generators and reconfigured lighting to ensure less intrusion to residents late at night so not as intrusive to the residents late at night.

#### **Questions from the Sub-Committee:**

**The Chair informed Mr Lavell and Mr Cryer that some of the points they have raised concerning the lighting and generators are not licensable but were happy that the parties had been able to discuss the issues face to face.**

*Mr Lavell accepted the comment regarding the licensable activities from the Chair but also stated that the generators that the generators, which are attached to lighting towers where the generator for the tower closest to the Mr and Mrs Foster's property will be changed to a quieter battery pack. Steps will also be taken to reduce the creeping of the associated light from the tower which will be actively monitored in the car parking areas to reduce the amount of time they are in use.*

*For the one hundred yards to the event site the tracking will be replaced by a plastic system which does not generate the same level of noise.*

**Chair – Can we have additional wording on the licence to deal with the ancillary issues raised by the parties and asked if the serving of alcohol throughout the event will be ancillary to the programme?**

*Mr Cryer – Informed the Sub-Committee that the reduction in the alcohol sale hours is more conducive to the History Festival event.*

**Councillor Yuill – Mr Cryer, you came up with a list of activities – does that include future similar activities? For example it could be called the Chalke Valley History Festival but not actually have any history behind it so necessary that the wording of the condition would tie the event to the history themed activities.**

*Mr Cryer – would want the activities to tie into the History Festival. If the Applicant wanted to move away from this, they would need to seek a variation to the licence on which the public would have notice.*

**Councillor Bucknell – If the event does not go as well as planned then a review of the licence can take place.**

*Mr Lavell confirmed that the proposed conditions would set a minimum of events that must happen whilst the History Festival is on. If there are other additional activities such as a historical 'flyby' for example, then that activity would not fall foul of the licence as there is no attempt to restrict other activities.*

Second brief adjournment at 11.25 to clarify the wording of the proposed activities and proposed conditions; Literary Talks, History and ancillary activities to the event, seminars and writing workshops.

The Sub-Committee members sought clarification from the Parties before retiring to consider the application accompanied by the Senior Solicitor for the council and the Democratic Services Officer.

Following the deliberations of the Sub Committee Members, the Solicitor for the Council confirmed that the Sub-Committee received brief advice on licensable activities but otherwise no further material legal advice was given to the Sub Committee in the closed session.

The Sub Committee considered all of the submissions made and the written representations together with the Licensing Act 2003, Statutory Guidance and Regulations and the Licensing Policy of the Council and

**Resolved:**

**That the Application for a Premises Licence in respect of Chalke Valley History Festival, Church Bottom Road, Broad Chalke, Salisbury, Wiltshire, SP5 5DS, be granted as applied for (and without prejudice to any other consents or approvals, including any planning permission that may be required), and with the following conditions:**

- 1. One single event per year only, no more than 10 days in duration, to be held in the months of June and July.**
- 2. The Permitted Hours for the sale of alcohol on and off to be:**
  - **Monday to Thursday 10.00 – 23:00**
  - **Friday and Saturday 10:00 – 00:00**
  - **Sunday 10:00 – 22:00**
- 3. The name of the event shall be 'The Chalke Valley History Festival', and the licensable activities will be ancillary to the main event, which should focus on:**
  - **Literary talks and seminars**
  - **Living History demonstrations**
  - **Writing Workshops**

### **Reasons:**

This is an application for a permanent Premises Licence and the Sub-Committee has carefully considered and taken into account the concerns and written representations received both during the consultation period prior to the hearing and the oral submissions from legal representatives for both the Applicant and the Objector along with the suggested amendments to the application as proposed by the legal representatives for both parties.

The Sub-Committee accepted that it was inevitable that an annual event of this size and duration would have an impact on local residents, given the nature of the local area. However, it was not the Sub-Committee's 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 Applicant accepted that last year that contractors involved in the post Festival site clearance had spontaneously broken into loud singing and would therefore be taking steps this year to ensure contractors were aware of the need to keep noise such as singing at a low level to avoid the disturbance of residents out of licensing hours and/or after the Festival had concluded. The Objectors raised concerns about non- licensable activities such as the noise of vehicle movements and generators and the position of lighting. The Applicant was able to confirm that a different and quieter trackway would be used and changes to the lighting would be made and quieter generators would now be used.

The Sub Committee noted the willingness of the Applicant to reduce the hours for the sale of alcohol on Sunday, and to implement changes to the position of the current generator lighting, trackway and generators to be put in place and considered that such measures would be appropriate to address the relevant concerns regarding the non- licensable activities that had been raised. The Sub-Committee further took into account the willingness of both the Applicant and Objectors to seek to resolve the concerns raised by the Objectors during the consultation and that both parties were able to agree changes to the Application.

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.

(Duration of meeting: 10.30 - 11.44 am)

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