

Wiltshire Council

Western Area Licensing Sub Committee

22 April 2013

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

1. Purpose of Report

- 1.1 To determine an application for a time limited Premises Licence in respect of the above made by Sunrise Festivals 2013 Ltd, The Welsh Mill, Park Hill Drive, Frome, Somerset, BA11 2LE.

2. Background Information

- 2.1 An application for a time limited Premises Licence in respect of Sunrise Festivals 2013 Ltd for the disused Thoulston Park Golf Club, for which relevant representations have been received.
- 2.2 The Organisers/Applicants have previously held a number of similar licensable events in Somerset.
- 2.3 It is anticipated that for this years event there will be an attendance figure in the region of 7000, to include performers and staff.
- 2.4 Wiltshire Council (as the Licensing Authority) must hold a hearing to consider the application having regard to the representations. In accordance with Section 18 (3) of The Licensing Act 2003 the Licensing Sub Committee is required to take such of the steps listed in 2.4 below as it considers appropriate for the promotion of the licensing objectives. In considering the application and the relevant representations, the Sub Committee must also have regard to relevant Government guidance and the Council's Licensing Policy.
- 2.5 The licensing objectives are:
- i) The Prevention of Crime and Disorder;
 - ii) Public Safety;
 - iii) The Prevention of Public Nuisance; and
 - iv) The Protection of Children from Harm.

2.6 Such steps are:

- 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.

2.7 On 7 March 2013 an application for a time limited Premises Licence for Sunrise Festival 2013 was received. The licence is to operate licensable activities from 12 noon on Thursday 30 May 2013 to 05:00 hrs 3 June 2013. See **Appendix 1** attached to this report.

2.8 The application as applied for is as follows:

Licensable Activity	Timings	Days
<u>Provision of regulated entertainment</u>		
Plays (In & Outdoors) Indoor Sporting Events	12:00 – 00:00 (24hrs)	Thursday to Sunday
Films (In & Outdoors)	12:00 – 04:00 (24hrs)	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 – 02:00 (24hrs)	Thursday to Monday
<u>Provision of entertainment facilities</u>		
<u>Facilities are no longer licensable</u>		
Making Music (In & Outdoors)	12:00 – 04:00 (24hrs)	Thursday to Monday
Dancing (In & Outdoors) Entertainment of a similar description (In & Outdoors)	12:00 – 02:00 (24hrs)	Thursday to Monday
Provision of late night refreshment (In & Outdoors)	23:00 – 05:00 (24hrs)	Thursday to Monday

Supply of Alcohol (On the premises)	12:00 – 01:30 (24hrs)	Thursday to Monday
Hours premises are open to the public	10:00 – 16:00 (24hrs)	Thursday to Monday

2.9 All venues are under cover except for the main stage. On site there are 6 main music venues, cinema and acoustic areas. The timings and licensable activities for each venue are at **Appendix 2**.

2.10 A location plan of the premises to be licensed is attached as **Appendix 3** to this report.

2.11 A copy of the Event Management Plan and the site plans submitted with this application will be available for viewing at the Hearing.

3. Consultation and Representations

3.1 The application process requires the application to be advertised, by the Applicant, in a local news publication within 10 working days, starting on the day after the authority receives it and for a public notice (on pale blue paper) to be posted on the premises. In addition the Licensing Authority advertises the application on its website, for a period of 28 consecutive days, starting the day after the authority receives the application.

3.2 During the consultation period relevant representations have been received from the Warminster Without Ward Councillor, Cllr Fleur de Rhe-Philip, local residents, Chapmanslade Parish Council & Responsible Authorities.

3.3 Representations Recieved

- All representations both, for and against, are attached at **Appendix 4**

3.4 Responsible Authorities

- Wiltshire Police – Divisional Licensing Officer
- Environmental Health Public Protection Officer
- The Licensing Authority – Wiltshire Council

3.5 A summary of the representations made is detailed in the table below:

Representation	Licensing Objective	Accepted	Comments
Noise from licensable activities held during the event	Public Nuisance	Yes	
Operating Hours for Licensable activities	Public Nuisance Prevention of Crime & Disorder	Yes	

Concerns about increased numbers of visitors to the site and the impact on the locality	Public Nuisance	Yes	
Increased volume of vehicle movement and traffic congestion in the vicinity of the premises	Public Safety	Yes	
Concerns regarding the content of the Drugs Policy	Prevention of Crime & Disorder	Yes	
Concerns regarding level of roles and deployment of security staff and stewards.	All Licensing objectives	Yes	
Concerns relating to the possibility that Bats and Adders, as protected species, maybe located at the site	None	No	

- 3.6.1 To address the concerns of the Licensing Authority, the Public Protection Licensing Manager, in her recommendation advises that the noise management plan is adjusted with noise limits imposed as a specific condition on the licence, and that the security plan is adjusted to take account of the additional S.I.A stewards required and the need for the attendance of Wiltshire Police. Any contingency plans should be fully tested to ensure that replacement/additional resources are readily available at the applicants cost.
- 3.6.2 Wiltshire Police and the Environmental Health Public Protection Officer are separately, continuing discussions with the Applicant to try and resolve their particular concerns and to mutually agree additional conditions to be specified on the licence if granted at the Hearing.
- 3.6.3 During the consultation period and with particular regard to traffic management, Wiltshire Police have been actively engaging with the Applicants. These discussions have resulted in a revised Traffic Management Plan being submitted, which includes proposed signage for the event incorporating an advisory speed limit of 30mph. Consisting of two signs either side of the junction with the Thoulston Road. This will be combined with other advanced signs which will warn motorists of the presence of vehicles at the junction. However, the Police have confirmed that the advisory speed limit cannot be legally enforced. The Police have agreed with the Highways Agency that this is the best way of highlighting the dangers at this location. As a consequence Wiltshire Police have not raised any concerns with the Licensing Authority in relation to the management of traffic at this event.

3.7 Letters of Testimony

- Julia Bradburn – Former Principal Licensing Officer, South Somerset District Council & Taunton Deane Borough Council.
- Paul Huntington – Senior Environmental Protection Officer, South Somerset District Council.

3.8 In connection with the Event Management Plan the Wiltshire Police Licensing Manager has agreed with the Applicants that the following condition will be included on the licence if granted.

- **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 Wiltshire Police. 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 Wiltshire Police without the written consent of Wiltshire Police.**

4. **Legal Implications**

4.1 This hearing is governed by the Licensing Act 2003 (Hearings) Regulations. These provide that hearings should be held in public unless the Licensing Authority considers that the public interest in excluding the public outweighs the public interest in the hearing taking place in public.

4.2 The Applicant, and all persons who have made representations have been informed of the date, time and location of the hearing and their right to attend and be represented.

4.3 At the hearing all those who have made representations are entitled to address the Sub Committee and to ask questions of another party, with the consent of the Sub Committee.

5. **Officer Recommendations**

5.1 Officers are not permitted to make a recommendation – the decision is to be reached by the members of the Licensing Sub Committee.

6. Right of Appeal

- 6.1 It should be noted that the Applicant and those persons 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.
- 6.2 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.
- 6.3 A Responsible Authority or any person 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 a person other than a Responsible Authority it will not normally be granted within the first 12 months except for the most compelling circumstances.
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Report Author: Maggie Jones

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Date of report: 9 April 2013

Background Papers Used in the Preparation of this Report

- **The Licensing Act 2003**
- **The Licensing Act (Hearings) Regulations 2005**
- **Guidance issued under Section 182 of the Licensing Act 2003**
- **Wiltshire Council Licensing Policy**

Appendices

- 1 Application for a Premises Licence Under the Licensing Act 2003**
- 2 A List of Venues with licensing hours and activities**
- 3 Location map of the premises to be licensed**
- 4 Representations for and against**