

DECISION NOTICE

Western Area Licensing Sub Committee

Decision made on 30 April 2019

Application for a Review of a Premises Licence in respect of Stowford Farm, Farleigh Road, Wingfield, Trowbridge made by Wiltshire Council Licensing Authority

Date of Hearing 30 April 2019

Decision

The decision of the Western Area Licensing Sub Committee is that the Premises Licence LN/000014610 in respect of Stowford Farm, Farleigh Road, Wingfield, Trowbridge held by NR Events Ltd be revoked.

Reasons for the Decision

The Sub Committee determined that the Licence Holder had failed to comply with its obligations in respect of the following licensing objectives: -

- Public safety

The Sub Committee also found that the Licence Holder had failed, within the required timescales, to comply with one of the conditions of the Premises Licence as set out below;

Public Safety

- Event to be managed in compliance with the Event Management Plan (policy and procedures) as approved by Licensing Authority

In reaching its decision, the Sub Committee took account of the representations that had been made on behalf of the Review Applicant, the Public Protection Officer (Licensing), the Public Protection Manager (Food and Safety), the Premises Licence Holder, Mr N Reed of NR Events Limited, Mr I Lucas Chair of NR Events Ltd and Mr E Barker, Bar Manager. This included all the written representations contained within the Agenda and the two Agenda Supplements and the oral evidence given at the hearing. The Sub Committee also considered and took account of the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 52); the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

The Sub Committee also considered the four licensing objectives; the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm and also took into account the relevant provisions of the Licensing Act 2003 and determined that the Licence Holder had failed to comply with the obligations in respect of the licensing objective of Public Safety and that the Licence Holder and the premises was undermining one of the four licensing objectives – namely public safety.

Reasons

Whilst the Sub Committee acknowledged the intent of the Licence holder who on paper had made strides towards addressing the issues of public safety unfortunately the Sub Committee did not have confidence that the 2019 Festival event would be run in a safe manner promoting the licensing objective of public safety. Nor did the Sub Committee have confidence of the Festival's Organisational Management Team's ability to put this in place in time for the Festival in July 2019 in particular given to date no updated Event Management Plan addressing the public safety issues had yet been provided to the Licensing Authority for the 2019 Festival.

Review Application

The Review application was made by the Licensing Authority on 13 March 2019 in relation to the following licensing objective: -

- Public safety

Following advertisement of the Review a relevant representation was received from the Public Protection Manager (Food and Safety), in relation to public safety.

The Sub Committee heard evidence from the Review Applicant (Wiltshire Council's Licensing Manager), the Public Protection Officer – Licensing (who had prepared the report to the Sub Committee), the Public Protection Officer – Licensing (who was called as a witness by the Review Applicant) and the Public Protection Manager (Food and Safety) who made a relevant representation and from the License Holder and Chair and Bar Manager of NR Events Ltd (in response) that;

- **No up to date Event Management Plan for the 2019 Festival had been provided to the Licensing Authority to address the public safety issues raised by Responsible Authorities during site visits which had taken place on 18, 19, 20 and 21 July 2018 and in the Event Safety Advisory Group De-brief which took place after the Festival on 10 August 2018.**

The Licence Holder in response stated that an updated Event Management Plan ('EMP') has been prepared for the next Event Safety Advisory Group ('ESAG') meeting. The delay due in part to issues having arisen between the Licence Holder and the Director of Trowbridge Festival Ltd who was involved with the 2018 Trowbridge Festival ('2018 Festival') in 2018.

- **At the 2018 Festival there was a failure to implement parts of the 2018 EMP.**

This was acknowledged by the Licence Holder who confirmed in response that an updated EMP for the 2019 Festival had been prepared and would be submitted at the next ESAG meeting.

- **At the 2018 Festival there was insufficient fire provision and limited fire equipment on site and evidence of use of disposable BBQs. A fire safety representative from Dorset and Wiltshire Fire and Rescue Service attended on site and raised concerns and gave advice. There was insufficient spacing between tents and a mixture of tents, caravans and parked vehicles in one of the overflow fields. An overflow field did not have a water supply.**

This was acknowledged by the Licence Holder in response. The Chair of NR Events Ltd confirmed fire extinguishers had been obtained for the 2019 Festival. The 2018 Festival was successful with higher than expected attendance and the Licence Holder confirmed that the parking generally and pitching of tents and caravans would be properly managed for the 2019 Festival. Access to additional land had been obtained for the 2019 Festival. All fields where camping taking place would have access to a water supply.

- **At the hearing the Licence Holder and Chair of NR Events were not able to clarify with certainty the maximum proposed capacity of the 2019 Festival to the Sub Committee. One website had stated the 2019 Festival would have a capacity of 2000, but the Licence Holder had stated in the hearing the proposed capacity would be 800 or 900 (public, stewards and volunteers). The Sub Committee were concerned that there was no clarity on the strategy if 2000 people turned up to attend the Festival. The Sub Committee were also concerned about the risks to the public arising from the Licence Holder and Management Team not having clarity knowing the numbers attending the 2019 Festival attending on site at any given time. At the 2018 Festival wrist bands worn by Officers from the Licensing Authority attending on site (and not in Council uniform) were not checked.**

The Licence Holder accepted that certainty of the numbers attending the 2019 Festival and a strategy for turning the public away if capacity was reached during the 2019 Festival was necessary. A new ticket system would be used for the 2019 Festival and they would ensure the entrances to the Festival were staffed at all times. Day tickets would not be sold unless insufficient tickets sold in advance.

- **There was no clearly defined Headquarters at the 2018 Festival and confusion on the roles of staff and stewards. The Sub Committee were concerned about the short period of time between the date of this hearing and the 2019 Festival and whether this time was sufficient to address the issues arising from the 2018 Festival.**

This was acknowledged by the Licence Holder. The current Chair of NR Events was brought in as 'duty manager' for the 2018 Festival but on site was asked to step up to Site Management. For the 2019 Festival, changes to the Management Team had been made and the Chair would have a more strategic role. There would be a clear Headquarters on site. The Licence Holder felt there was sufficient time address the issues arising from the 2018 Festival.

In view of the evidence heard, the Sub Committee concluded that they had no confidence in the ability of the Licence Holder to adequately address its failings in respect of the licensing objective of public safety. The Sub Committee also concluded that the imposition of additional licence conditions, or the temporary suspension of the Licence would not result in the required improvements and that revocation of the licence was the only practical option and was one which was both proportionate and necessary to meet the licensing objective of public safety.

Conclusions

The Sub Committee acknowledged the intent of the Licence Holder making strides to toward addressing the issues of public safety arising from the 2018 Festival, unfortunately the Sub Committee did not have confidence in the ability of the Licence Holder or the Festival's Organisational Management Team to put these in place in time for the Trowbridge Festival 2019 ('2019 Festival') taking place in July 2019 in a safe manner promoting the licensing objective of public safety. In particular the Sub Committee noted that to date no updated Event Management Plan addressing the public safety issues had yet been provided to the Licensing Authority for the 2019 Festival.

Options and Decision

The Sub Committee considered the options available to it (including imposition of further conditions or a period of suspension to allow time to address the issues) however because of the now short period of time between the date of the hearing and the 2019 Festival the Sub Committee did not feel there was sufficient time to put in place the necessary requirements to ensure the 2019 Festival was a safe event.

The Sub Committee therefore concluded, on the basis of the evidence presented, that revocation of the licence that the only option available and that such revocation was reasonable, proportionate and necessary to promote the licensing objectives.

Effective date of Decision

This decision will not take effect until the end of the period within which an appeal can be made or, if such an appeal is made, until that appeal has been finally determined.

Any appeal must be made to a Magistrates' Court within 21 days of the date of notification of this decision.

Right to Appeal

The Premises Licence Holder, the party that applied for the review and any Responsible Authority or 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. The decision of the Licensing Sub Committee does not take effect until the end of the period for appealing against that decision. In the event of an appeal being lodged, the decision made by the Licensing Sub Committee does not take effect until any appeal is heard and finally determined.