

DECISION NOTICE

Eastern Area Licensing Sub-Committee

Application for a Time Limited Premises Licence, Lower Park Farm, Whistley Road, Potterne, Devizes, SN10 5TB

Councillors: Steve Bucknell, Jerry Kunkler and Stewart Palmen

Decision:

At its meeting held on 9 March 2022, the Eastern Area Licensing Sub-Committee ("The Sub-Committee") resolved to GRANT the Time Limited Premises License for Lower Park Farm, Whistley Road, Potterne, Devizes, SN10 5TB as applied for and to include the timings detailed below and subject to two conditions;

Licensable Activity	Timings	Days
Live music (outdoors)	18:00 – 23:00 14:00 – 23:00	Friday 29 July 2022 Saturday 30 July 2022
Recorded music (outdoors)	14:00 – 23:00 13:00 – 23:00	Friday 29 July 2022 Saturday 30 July 2022
Provision of late night refreshment	23:00 – 00:30 23:00 – 00:30	Friday 29 July 2022 Saturday 30 July 2022
Sale by retail of alcohol (on off sales)	12:00 – 00:00 12:00 – 00:00	Friday 29 July 2022 Saturday 30 July 2022
Hours premises open to the public	10:00 – 00:30 10:00 – 00:00 08:00 – 12:00	Friday 29 July 2022 Saturday 30 July 2022 Sunday 31 July 2022

Including the following condition:

- 1) The Music Noise Level (MNL) 15 min LAeq, should not exceed 100dB(A) at 3m from the stage or source of music.
- 2) That appropriate road signs be placed in the surrounding area to include a sign at Church Corner directing scooter rally traffic to not access the event from Whistley Road, Potterne.

Along with any mandatory conditions required by the Licensing Act.

Parties

The Applicant:

Mr Adam Ford (supported as applicant by Gary Chivers, Kent Baxter, Jason Tunnicliffe and Tina Beattie) made representations at the meeting that all necessary information had been provided with the application, there had been no objections from any Responsible Authorities, and that mitigation measures were included within the Event Management Plan in order to satisfy the licensing objectives.

Responsible Authorities:

There were no representations from the Responsible Authorities

Relevant Representations:

There was one representation received, from Potterne Parish Council, regarding the Prevention of Public Nuisance, Public Safety, Prevention of Crime and Disorder, and Protection of Children from Harm. This was in respect of traffic safety implications from use of the site, disruption from live music from the site and the impact from sale of alcohol across the dates requested, and impact on children attending the site or nearby. Councillors Peter Balls and Richard Clark on behalf of the Parish Council made representations stating that whilst they did not object to the event, the site was unsuitable for the event in question and could not be appropriately mitigated to meet the licensing objectives of public safety and prevention of public nuisance.

Reasons for the Decision:

In reaching its decision, the Sub-Committee took account of and considered all of the documentary and oral evidence from all parties including the Applicant and the Potterne Parish Council who made a relevant representation..

The Sub Committee noted the concerns raised by the Parish Council at the hearing relating to public safety and public nuisance in particular concerning the safety implications arising from additional traffic along Whistley Road in order to access the event and concerns regarding attendees accessing the site without prebooking tickets, the additional noise impact of camper vans and large vehicles using Whistley Road. The Sub Committee was satisfied that the Applicant had demonstrated appropriate mitigation to satisfy the licensing objectives. The detailed Event Management Plan submitted to the Licensing Authority included various conditions to manage the site for the duration of the event, and provided details of the management of the marquee and stage areas. A condition was also been agreed in respect of noise management, and details were provided of the available capacity of the site, booking arrangements, in particular the requirement for those with camper vans to pre-book in advance, steps taken to advertise the preferred route to access the site, and that this would be emphasised to everyone who purchased a ticket in advance. Given the smaller numbers who would likely attend on the days without a ticket, the nature of the event taking place across several days meaning there was unlikely to be a continuous series of significant arrivals and departures to and from the event, the use of marshals and 24/7 monitoring on the site, and the lack of any objection from the police or fire services, the Sub-Committee were satisfied with the Applicant's promotion of the four licensing objectives.

The Sub Committee considered an additional condition was necessary regarding the display of additional road signage and the Sub Committee considered that concerns raised by the Parish Council had been appropriately addressed.

The Applicant informed the Sub Committee that he was willing to work further with the Licensing Authority and the Parish Council and to take further steps if required to alleviate any further concerns.

Finally the Sub Committee noted the Police and Environmental Health had not made a representation.

The Sub Committee having heard the representations took the view that the Applicant understood the impact of public nuisance on local residents and that the Applicant had confirmed to the Committee through its evidence that it would take steps to ensure the promotion of the licensing objectives in particular the prevention of public nuisance for this event.

The Sub-Committee also considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 18); the four Licensing Objectives; the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

Right to Appeal

All parties have the right to appeal to the Magistrates Court within 21 days of the written decision. 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 is made by the Magistrates Court.

A Responsible Authority or interested party has the right to request the Local Authority to review the licence in accordance with the provisions of s.51 of the Licensing Act 2003. Such an application may be made at any time, but it is in the discretion of the Local Authority to hold the review, and a review will not normally be held within the first twelve months of a licence, save for the most compelling reasons.