

## Eastern Area Licensing Sub Committee

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### MINUTES OF THE EASTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 9 MARCH 2022 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

#### **Present:**

Cllr Steve Bucknell, Cllr Jerry Kunkler and Cllr Stewart Palmen

#### **Also Present:**

Cllr Tim Trimble (Wiltshire Council), Tessa Isaacson (Public Protection Officer), Sarah Marshall (Senior Solicitor), Kieran Elliott (Democracy Manager – Democratic Services), Adam Ford (Applicant), Gary Chivers (supporting Applicant), Kent Baxter (supporting Applicant), Jason Tunnicliffe (supporting Applicant), Tina Beattie (supporting Applicant), Cllr Peter Balls, Potterne Parish Council (Relevant Representation), Cllr Richard Clark, Potterne Parish Council (Relevant Representation)

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#### 7 **Election of Chairman**

Nominations for a Chairman of the Licensing Sub Committee were sought and it was

#### **Resolved:**

**To elect Councillor Jerry Kunkler as Chairman for this meeting only.**

#### 8 **Apologies for Absence**

There were no apologies.

#### 9 **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”.

#### 10 **Chairman's Announcements**

The Chairman gave details of the exits to be used in the event of an emergency.

#### 11 **Declarations of Interest**

There were no interests declared.

## 12 Licensing Application

**Application by Mr Adam Ford a Time Limited Premises Licence in respect of Lower Park Farm, Whistley Road, Potterne, Devizes, SN10 5TB.**

### **Licensing Officer's Submission**

The Sub Committee gave consideration to a report (circulated with the Agenda) in which determination was sought for an application for a time limited premises licence, presented by Tessa Isaacson (Public Protection Officer – Licensing) for which one relevant representations had been received. The application was for the following licensable activities:

- Live and recorded music outdoors at specific times and dates set out in the report.
- Provision of late night refreshment for specific times and dates set out in the report.
- Sale of retail of alcohol (on off sales) for specific times and dates set out in the report.
- Hours premises open to the public for specific times and dates set out in the report.

It was stated that there were four options available to the Sub-Committee:

- 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.
- To exclude from the scope of the application any licensable activity.
- To refuse to specify a person as the designated premises supervisor.
- To reject the application.

It was confirmed a condition had been agreed between Environmental Health and the applicant in respect of music noise levels. No responsible authority had made a representation in objection to the application.

The Chairman invited the Applicant to introduce their application

The following parties attended the hearing and took part in it:

#### On behalf of the Applicant

Adam Ford – applicant

Gary Chivers – in support of applicant

Kent Baxter – in support of applicant

Jason Tunnicliffe – in support of applicant

Tina Beattie – in support of applicant

### Relevant Representations

Councillor Peter Balls – Potterne Parish Council

Councillor Richard Clark – Potterne Parish Council

### **Applicant's Submission**

Mr Adam Ford (supported as applicant by Gary Chivers, Kent Baxter, Jason Tunnicliffe and Tina Beattie) spoke in support of the application, highlighting the following points:

- All required information had been provided with the application.
- All relevant and responsible authorities were satisfied with the application and its preparations for the event.
- He was happy to meet further with Public Protection and others to answer any queries.
- He was confident the Scooter Rally would be a safe event which had been properly planned and prepared for.

### **Sub-Committee Members' Questions**

In response to Members' questions the following points of clarification were given:

- In response to questions on the signage that would be displayed advising people not to travel to the event through Whistley Lane and if people ignored this, the Applicant explained that social media would be used to promote the event and how to come to the site and every effort would be made to encourage people to approach from Devizes.
- It was confirmed the proper route to the site would be given to people when purchasing tickets and the route would be advertised as much as was possible, although there was no legal way to stop people using the other route.
- In response to when any signage would be taken down, it was confirmed this would take place on the Sunday immediately upon the ending of the event, and that this could be included as a requirement in the Event Management Plan.
- It was confirmed that risk assessments could be included in the risk management plan at the site officer, and that risk assessments would be updated especially in the week setting up.
- It was confirmed the total allowable capacity was 2000. A few hundred scooters were anticipated. It was stated the premises licence could go beyond that, but the applicants were focusing on numbers which could be acceptably managed.
- It was confirmed there would be cars and camper vans visiting the site. As tickets had not yet been sold the numbers were estimates, but camper van numbers would be capped as it was necessary to know how much space they would take up.
- Details were sought on the marquee and late night music, and it was stated there was capacity for around 150 for the marquee, with around

250 for that aspect of the site. Music would stop at 2300, and marshals would be on site 24 hours a day to ensure there would not be continued noise disruption on the site.

- It was confirmed live and recorded music would be from the stage areas. The marquee area would primarily be for seating and discussion in the shade.

### **Questions from those who made a relevant representation**

In response to questions from those that had made a relevant representation, the following points of clarification were given:

- It was anticipated that around 90% of attendees would have prebooked a ticket. Provided the event was not at capacity people could purchase tickets at the gate.
- The event would be advertised locally as much as possible, and everyone who had prebooked would be advised of how to approach the event from the preferred direction. Most of those who had not prebooked would have discovered the event on social media, which would also advise of the route.
- In response to concerns around camper vans and potential blocking of Whistley Lane for emergency vehicles, it was confirmed camper vans would be required to have prebooked so numbers would be known, and they would definitely be provided information on the route to take, for reasons of access and space on the site. Those in a van which had not prebooked would not be admitted to the event.
- In response to the scenario of people coming from the village itself, notwithstanding signage, it was confirmed if they had a valid ticket they would be permitted access to the site, but marshals would be directing people and signage could be placed further away to discourage arrival from that route.

There were no representatives of Responsible Authorities present.

### **Submissions from those who made relevant representations**

Councillors Peter Balls and Richard Clark from Potterne Parish Council spoke regarding the application, highlighting the following points.

- The Parish Council was unanimous in its objection to the application, as it had been for previous applications on the site.
- Other large events did take place in the village, including at the Cricket Club and at another farm site, and the Parish Council welcomed appropriate events. However, whilst it was not opposed to the nature of the event of the Scooter Rally, the location was considered inappropriate and unacceptable for such an event for the reasons set out in the written submission.
- The road leading to the site was 2 miles long and utilised as a 'rat run' by significant numbers despite the single track lane for one mile.

Resurfacing and repair to the earth bank had taken place in previous years due to vehicle damage.

- Once past the single track part the road widened to a section known locally as 'the races'. Just recently the road had been closed for four hours by police due to the most recent accident there.
- The Parish Council was surprised the police had not put in a representation given some comments from a local policeman at that scene.
- Anyone coming to the event from the south would be likely to use Whistley Lane if they did not have a ticket, and the concern over larger vehicles using it such as camper vans remained.
- The access talked of from the A361 is a dangerous crossing onto a dual carriageway, with local villages already discussing with Wiltshire Council how to improve safety.
- It was accepted the Event Management Plan would direct no left turns from the site, but the concern was more those arriving than leaving.
- It was stated local businesses would not see any benefit from the holding of the event.
- The main concern was the access and not being able to guarantee people arriving through Whistley Lane, as a matter of public safety.
- The second aspect of concern was public nuisance. It was stated there were a larger number of houses on Caen Hill and from previous events it was considered these would be affected by the noise.
- The Parish Council was also concerned if the application were granted further events would take place. It considered using the site unsafe.

### **Sub-Committee Members' questions**

In response to Members questions the following points of clarification were given:

- It was confirmed there was a major concern regarding those arriving who did not have tickets. Alternative approaches from the south required a significant detour which the Parish Council was not confirmed people would take.
- It was stated it would be unfortunate for the event if they closed it off to those without prebooked tickets.
- In response to a question on whether a marshal could be in place on the corner turning onto the lane to stop camper vans, it was said this would cause a major tailback and would not be safe.
- The current use of the lane, without passing places, was explored, and the potential large increase for the event notwithstanding instructions to not do so, as there was no legal mechanism to prevent this.
- It was stated the Parish Council received no formal representations opposed to the event, with one email supporting it, although it was stated a number of people anecdotally made their views to the parish council. It was stated the applicants had not briefed the parish council specifically, and licensing applications were not as widely advertised as planning applications. For previous events objections came after the event.

### **Questions from the Applicant:**

In response to questions from the Applicant, the following points of clarification were given:

- Details were sought of Parish Council meetings, with the Applicant stating they had offered to meet with the council.

### **Closing submissions from those who made relevant representations**

In their closing submission, the those that made a relevant representation in objection to the application highlighted the following:

- That the Parish Council did not object in principle to the event proposed to take place, only to the acceptability of the site under the licensing objectives.

### **Applicant's closing submission**

In their closing submission, the Applicant highlighted the following:

- That they were confident in the suitability of the site, had held events before and had a good plan for the proposed event.
- That the event would be positive for Potterne and the surrounding area and the plan would ensure it took place safely.

### **Points of Clarification Requested by the Sub-Committee**

The following points were clarified for the Sub-Committee

- The Public Protection Officer confirmed that the application had been advertised in line with the requirements of the Licensing Act including through notices and local newspapers.

The Sub-Committee then adjourned at 1100 and retired with the Senior Solicitor and the Democratic Services officer to consider their determination on the licensing application.

The hearing reconvened at 1130.

The Senior Solicitor advised following noting of the decision that she gave general legal advice to the Sub Committee in respect of the licensing objectives, traffic and safety.

It was,

### **Resolved:**

**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;**

<b>Licensable Activity</b>	<b>Timings</b>	<b>Days</b>
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 conditions:**

- 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.

(Duration of meeting: 1015-1130)

The Officer who has produced these minutes is Kieran Elliott of Democratic Services, direct line 01225 718504 , e-mail [kieran.elliott@wiltshire.gov.uk](mailto:kieran.elliott@wiltshire.gov.uk)

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