

Eastern Area Licensing Sub Committee

**MINUTES OF THE EASTERN AREA LICENSING SUB COMMITTEE MEETING
HELD ON 18 AUGUST 2022 AT SALISBURY ROOM - COUNTY HALL,
BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.**

Present:

Cllr Ernie Clark, Cllr Stewart Palmen and Cllr Peter Hutton

And Cllr Tim Trimble as substitute

Also Present:

Applicant/Applicant's Representatives

Matilda Matcham Bear – Applicant
Henry Markes – On behalf of Applicant
Gabriel Shenoy – On behalf of Applicant

Making Representations

Cllr Caroline West – Erlestoke Parish Council
Polly Doyle – Clerk of Erlestoke Parish Council

Wiltshire Council

Sarah Marshall – Principal Solicitor
Terésa Isaacson – Public Protection Officer (Licensing)
Lisa Alexander – Senior Democratic Services Officer
Matt Hitch – Democratic Services Officer

1 Election of Chairman

Nominations for a Chairman of the Licensing Sub Committee were sought. On the nomination of Councillor Clark, seconded by Councillor Palmen, it was:

Resolved:

To elect Councillor Peter Hutton as Chairman for this meeting only.

2 Apologies for Absence/Substitutions

There were no apologies.

3 Procedure for the Meeting

The Chairman notified all those present at the meeting that it was not being recorded by Wiltshire Council, but that the meeting could be recorded by the press or members of the public.

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 5 to 10 of the agenda pack).

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**

Application by Kaleidoscopic Events Ltd for Premises License for the Kaleidoscope Arts and Music Festival in respect of an unnamed field accessed via Lower Road, Erlestoke, Devizes, Wilts, SN10 5UF.

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 premises licence, presented by Terésa Isaacson (Public Protection Officer – Licensing) for which one relevant representation had been received. The application was for the following licensable activities:

- Live music (indoors and outdoors) at specific times and dates set out in the report.
- Recorded music (indoors and outdoors) at specific times and dates set out in the report.
- Provision of late night refreshment (indoors and outdoors) for specific times and dates set out in the report.
- Sale of retail of alcohol (on sales) for specific times and dates set out in the report.

It was noted by the Sub Committee that there were four options available to them:

- 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.

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

On behalf of the Applicant

- Ms Matilda Matcham Bear
- Mr Henry Markes – Designated Premises Supervisor
- Ms Gabriel Shenoy – Agent for the Applicant

Relevant Representations

- Erlestoke Parish Council in objection to the application

Responsible Authorities

No Responsible Authority has made a representation in connection with this Application.

The Chairman advised that the written representations had been read and considered by the members of the Sub Committee in advance of the meeting. The Chairman invited the Applicant to introduce their application.

Applicant's submission

The Applicant, Ms Matcham Bear, and her representatives, Mr Henry Markes and Ms Gabriel Shenoy, spoke in support of the application, highlighting the following points:

- Kaleidoscopic Events Ltd were a Wiltshire based company and had previously held a successful event on the same site.
- No noise complaints were received about a similar event they held at the same site last year.

- Around 300 tickets had been sold for the 2022 event so far but all the security and safety precautions were designed for a maximum attendance of 800.
- The sound speaker company being used at the event was different to the one employed for the event in 2021. The Applicant felt that the change would enable them to have greater control over noise as they would employ their own sound engineer.
- The closest dance tent to a residential property would be further away than it was at their previous event on the site and the speakers would be facing away from the property.
- The event would be finishing at midnight on Thursday and Sunday nights, earlier than on the Friday and Saturday nights.
- Mr Markes confirmed that he had spoken to Wiltshire Council's Public Protection team about the site boundaries. He had also spoken to the resident living closest to the site and they confirmed that they could hear the noise at night during last year's event but did not find it disturbing.
- It was planned to monitor noise pollution at the site boundaries.
- Mr Markes would brief staff on the Licensing Act 2003 and its objectives before the event.
- Alcohol would only be served in the arena itself and security guards would prevent attendees from taking drinks outside.
- Security guards would remain on site at all times during the event.
- Mr Markes was saddened to hear of the damage caused to a local resident's wall on the night of their event the previous year.
- The car park would be locked at 9pm, so that anyone wishing to drive their vehicle after this time would need to request a key. It was felt that this measure would reduce the risk of drink driving incidents.
- The car park being locked would not impede the emergency exits.
- Further details about the proposals were included in the Event Management Plan.

Sub Committee Members' questions

The Event Management Plan was not included in the agenda pack, so had not been considered by the Sub Committee. In response to questions from Members about the number of attendees at the event, the Applicant offered to submit it in evidence. Members of the Sub Committee agreed to receive the plan and the meeting was adjourned at 10:50am to allow them time to consider

the document. The meeting resumed at 10:57am. Erlestoke Parish Council confirmed that they had seen the Event Management Plan but had not received the documentation relating to risk management.

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

- There had been around 450 attendees at the event held last year.
- Based on current ticket sales it was not anticipated that there would be more than 600 people attending the event, but numbers would be capped at 800. All of the security measures in place were designed for a maximum of 800 people.
- When questioned about whether there were plans to provide drug amnesty bins, Mr Markes said that they did not plan to have one but were happy to provide one if it was recommended to do so.
- Clarification was sought about whether tickets would be available to buy on the day. The Applicant noted that they only planned to sell tickets on the day for the locals' night on 1 September but not on the other days of the event.
- When Members queried what the event organisers would do if there were a large number of tickets still available, the Applicant stated that would continue to sell tickets online if the number already sold was very low. However, if the number of tickets sold was close to 800, sales would be suspended on the day, even if the maximum capacity of 800 had not been reached.
- In response to a question about why advertising for the event suggested that there would be up to 2,000 ravers in attendance, the Applicant explained that they had originally planned for a larger event and that their website had now been updated.
- Given the use of the term rave in the marketing, and the resulting press coverage, the Chairman highlighted that Wiltshire Council does not support raves and only supports well managed events. Regardless of the decision made by the Sub Committee, it would not be an indication of support for a rave.
- It was confirmed that the planned ending of live music on Thursday 1 September was 23:59 and that 11:59 was a typo on page 21 of the Agenda Pack.
- The organisers would be carrying out their own noise monitoring by employing a sound engineer.
- When asked whether residents on Lower Road had been consulted about the event, Mr Markes stated that he had spoken to a number of residents.

- Further information was sought about the plans for extreme weather conditions and the threshold for abandoning the event. Mr Markes reported that there had been heavy rainfall at the event last year, so they were confident that the site was suitable. He also mentioned that they were not planning to put up any high tents on the site, so the ones being used would be resistant to high winds. Furthermore, he explained that evacuation points were in place for events such as fires.

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:

- Representatives from Erlestoke Parish Council raised concerns about the impact of the event on livestock in the area, including alpacas grazing in the nearby village of Coulston. Mr Markes explained that he had spoken to a nearby landowner about the impact of noise on their horses, but he was unaware of the alpacas.
- When asked whether it was normal for events of this type to run until 2:30 or 3am, Mr Markes confirmed that bar would stop serving half an hour before the music to ensure that the event ended in a timely manner. Recorded music and the sale of alcohol would end earlier on Thursday 1 and Sunday 4 September than the other nights.
- Confirmation was sought about whether the event was planned to be a one off. The Applicant confirmed that their application was for a one-off event. It was possible that they would apply to hold similar events in future, but these would not necessarily be on the same site.
- Erlestoke Parish Council representatives then asked about what the management plan would be in the event that far more people turned up on the site than was anticipated and they were unable to control numbers. Mr Markes explained that they would call the emergency services in the event that there was a risk that their security staff could be overwhelmed.
- Further details were sought about the Police presence at the event. Mr Markes confirmed that he had been told to expect that there would be an officer on site but had not yet been given details of the specific timings.
- Erlestoke Parish Council representatives asked if they could receive a copy of the Risk Management Plan by email and Ms Shenoy stated that she would be happy to email them a copy.
- It was highlighted that Erlestoke Parish Council's litter pick had found a large amount of rubbish on the roads surrounding the site after the 2021 event, so they asked whether the litter pick for the 2022 event would

extend beyond the boundaries of the site. Mr Markes confirmed that their current plan was to conduct a litter pick within the site boundaries, but they would be happy to extend it.

- It was asked whether Erlestoke Parish Council would be invited to a review of the event. Mr Markes stated that it would be an internal review but he would contact Wiltshire Council after the event to discuss noise levels, as was done after the 2021 event.

Responsible Authorities' submissions

There were no representatives of Responsible Authorities present.

Submissions from those who made relevant representations

Cllr West from Erlestoke Parish Council, explained that they were a small village of around 150 people, so had concerns about a large rave being held in their community. They clarified that they would not object to holding a well-managed event. However, they did not wish to see an event that was similar to a rave that could have a negative impact on local residents, including children and the elderly. The Parish Council then reiterated their concerns about litter, noise pollution and the impact on livestock. They also reported that a vehicle had crashed into a wall in the early hours after the event held in 2021, causing around £2,000 worth of damage.

Sub Committee Members' questions

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

- The Chairman reiterated that Wiltshire Council did not support raves and did not feel that it was a suitable term to describe the event.
- Members asked if there was definitive proof that the damage to a local resident's wall had been caused by a person attending Kaleidoscopic Events Ltd's event on the site in 2021. Cllr West explained that the owner of the property did not catch the license plate of the vehicle, as it failed to stop after the collision, so it was not possible to confirm that the damage was caused by someone attending the event.

Questions from the Applicant:

The Applicant did not have any questions for Erlestoke Parish Council, but Mr Markes did say that he understood the points raised in their representation. He clarified that it was not the Applicant's intention to hold a rave and that they planned to have a well organised and managed event. Dancing would take place, but also other activities including pottery.

Closing submissions from those who made relevant representations

Erlestoke Parish Council did not make a closing submission.

Applicant's closing submission

The Applicant did not make a closing submission.

Points of Clarification Requested by the Sub Committee

The following point was clarified for the Sub Committee:

- The Applicant did not have any plans to release helium balloons on the site.

The Sub Committee then adjourned at 11:20am and retired with the Principal Solicitor and the Democratic Services Officer to consider their determination on the licensing application.

The Hearing reconvened at 11:45am.

The Principal Solicitor advised that she gave no significant legal advice to the Sub Committee other than to reiterate the four licensing objectives.

The Eastern Area Licensing Sub Committee RESOLVED:

The Eastern Area Licensing Sub-Committee **RESOLVED** to **GRANT** the application for a Premises Licence made by Kaleidoscopic Events Ltd as applied for to **include the activity and timings** and subject to one condition, as below:

Licensable Activity	Timings	Days
<u>Provision of regulated entertainment</u> Live music (indoors and outdoors)	19:30 – 23:59 12:00 – 18:00	Thurs 1 Sept Sat 3 & Sun 4 Sept
Recorded music (indoors and outdoors)	19:30 – 23:59 17:00 – 03:00 14:00 – 03:00 14:00 – 23:59	Thur 1 Sept Fri 2 Sept Sat 3 Sept Sun 4 Sept

Provision of late night refreshment (indoors and outdoors)	23:00 – 02:00	Fri 2 Sept
	23:00 – 02:30	Sat 3 Sept
	23:00 – 23:30	Sun 4 Sept
Sale by retail of alcohol (on sales)	19:30 – 23:30	Thur 1 Sept
	17:00 – 02:30	Fri 2 Sept
	12:00 – 02:30	Sat 3 Sept
	12:00 – 23:30	Sun 4 Sept

Subject to the following Condition:

There will be noise monitoring undertaken on the site at the start of the event at regular intervals and in accordance with the Event Management Plan presented to the Sub-Committee by the Applicant at the hearing on 18 August 2022.

Informative for the Applicant

- I. In the interest of the protection of livestock – the applicant should inform all attendees that no Helium Balloons or Fireworks will be permitted during the event.
- II. The Applicant to confirm to the Parish Council that they will undertake litter picking outside of the event space immediately after the event.
- III. The Applicant will ensure the provision of Drug Amnesty Bins, to be managed by Security at all points of entry to the site.

Reasons for the Decision

In reaching its decision, the Sub Committee took account of and considered all of the documentary and oral evidence received from all parties including the Applicant, Kaleidoscopic Events Ltd, and Erlestoke Parish Council, who made a relevant representation. The Sub Committee took account of and considered the Event Management Plan presented to the Sub-Committee at the hearing. The Sub-Committee heard from the Applicant that the event was an Arts and Music Festival which included craft stalls and the numbers attending would be no more than 800. The Applicant also confirmed to the Council that references to a rave on their website was incorrect. The Sub-Committee noted the concerns of the Parish Council regarding the potential impact of noise on a small village and litter and the Applicant's confirmation to the Sub-Committee that noise monitoring would be undertaken during the event and they would speak with the Parish about picking up litter in areas outside of the field where the event will take place.

The Sub Committee have 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 were informed they 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.

The parties were also informed that 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.

(Duration of meeting: 10.30 - 11.50 am)

The Officer who has produced these minutes is Matt Hitch of Democratic Services, direct line , e-mail matthew.hitch@wiltshire.gov.uk

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