

South Somerset District Council

Minutes of a meeting of the **Licensing Sub Committee** held at the **Council Chamber** on **Monday 28 January 2019**.

(10.02 am - 1.05 pm)

Present:

Members: David Recardo (Chair)

Wes Read Val Keitch

Officers

Anita Legg	Licensing Officer
Jo Morris	Case Services Officer (Support Services)
Ann Chislett	Legal Specialist
Hallett	Specialist - Environmental Health, Service Delivery
Sally-Anne Webster	Environmental Health Officer

Note: All decisions were approved without dissent unless shown otherwise.

19. Declarations of Interests (Agenda Item 1)

There were no declarations of interest.

20. Procedure to be followed when considering licensing applications under the Licensing Act 2003 (Agenda Item 2)

The Committee noted the procedure to be followed when considering Licensing Applications under the Licensing Act 2003. The Chairman introduced the members of the Sub-Committee and the Officers present at the hearing.

The Chairman confirmed that the Officer's report relating to the case, the procedure to be adopted during the hearing and the documents which the authority is required to provide under the Regulations had been received by all Parties in advance of the meeting.

21. Representation following the Application for a New Premises Licence at Gilcombe Farm, Bruton, BA10 0QE (Agenda Item 3)

The Licensing Specialist informed members that an application had been received from Shindig Productions Ltd. to hold a music festival at Gilcombe Farm, Bruton from 23rd to 27th May 2019. She noted the licensable activities and timings listed in the report and confirmed that the required notices had been displayed and advertised in a local newspaper. She explained that the representation received from SSSC relating to Environmental Protection had been withdrawn and the applicant had agreed to amend their operating schedule to include 21 conditions in relation to noise. The expected attendance for the event was 9,999 persons at any one time, including members of staff.

She concluded by outlining the options available to the Sub-Committee and the right of appeal open to the applicants.

The Sub-Committee was addressed by the Environmental Health Specialist. He explained that he had submitted a representation due to inadequate documentation being received with the application including the Security Operation Plan, Transport Management Plan, Fire and Safety Risk Assessments, Major incident scenario Plan, Production risk assessments, CDM controls and procedures and Crowd movement procedures. He advised that on the Friday prior to the hearing 13 conditions had been agreed with the applicant and the requested documentation had been received but he had not had sufficient time to read through the documentation in order to withdraw his representation.

The Area Licensing Practitioner from Avon and Somerset Police advised that 15 conditions had been agreed with the applicant immediately prior to the start of the hearing although final wording on some of the conditions was still to be finalised. The proposed conditions were read out by the Area Licensing Practitioner who explained that many of the conditions referred to a 12 week notice period for various policies, plans and information to be supplied which was being imposed due to lack of information at previous events and would give the Police sufficient time to go through and respond to the various documents prior to the event taking place.

The Applicant's Solicitor confirmed that they were happy to comply with the conditions outlined by Avon & Somerset Police.

The Sub-Committee was then addressed by the Business Safety Officer of Devon and Somerset Fire & Rescue Service. He explained that following a visit to the site the previous year he had witnessed many failures to provide basic fire provisions as required under the Regulatory Reform (Fire Safety) Order 2005 Article 8 Duty to take General Fire Precautions. In terms of going forward, he confirmed that conditions from the Fire and Rescue Service had been captured in the Police conditions and was therefore happy for the event to proceed providing the conditions were met.

The Sub-Committee was addressed by the Applicants and their Solicitor in support of the application. The Applicant's Solicitor explained that the licence, if granted, would be an extremely robust premises licence with enforceable conditions and was far in excess of any festival licence granted previously. The Applicant advised that they had taken on board the issues experienced at last year's festival and introduced various new measures including an on-site fire service (Wessex Fire & Rescue), the provision of 4x4 vehicle with water tanks, fire training on site, appointed a new safety advisor to improve their safety paperwork and on-site management, the appointment of a new traffic management company, in-house and on-site security manager and new security contractor, introduced checks on traders and brought in a crowd management assessor. The Solicitor advised that because of the proposed increase in numbers work would be undertaken to widen gateways, there would be increased signage and the ability to spilt traffic bringing more people into the site on the Thursday and reconfiguring of all the parking. In referring to the noise issues experienced at the 2017 festival, he commented that these had been rectified at the 2018 festival and expertise was being brought in to make sure the noise was monitored on-site and there was the ability to redirect the music to take into account the wind direction.

The Committee was addressed by four people representing 'Other Parties' in objection to the application. Points raised related to following:

- Concerns over the late submission of documentation and the Applicants being unprepared to organise the event and provide requested documentation within the required timescales as outlined in the conditions put forward by the Police;
- Concerns over the increase in numbers and the effect on the local area;
- No documentation provided to back up the Applicant's assurances over fire provision;
- A359 not capable of supporting extra traffic due to the increase in numbers;
- Lack of communication and notification about the event;
- Concerns over noise being amplified due to wind direction and the need to lower noise levels;
- Lack of additional measures being put in place to deal with the increase in numbers, noise pollution and security;
- Not acceptable to have amplified music playing until 4.00am in a rural area;
- The need to review adherence to the licence following each event;
- Concerns over cars being abandoned near the site and people breaking in and the applicants having no controls over numbers, drug use and age restrictions.

Members of the Sub-Committee were given the opportunity to ask questions. Members were informed that after each event, the event organisers were required to produce a noise report which would include details of any noise complaints received and details of monitoring. It was also noted that an Environmental Health Officer had spent a significant amount of the time on the site during last year's event.

In his concluding statement, the Applicant's Solicitor referred to a High Court case of Daniel Thwaites PLC -v- Wirral Borough Magistrates and the need for licensing decisions to be based on real evidence.

All parties confirmed that they were satisfied with the conduct of the hearing.

The Licensing Specialist and Parties with the exception of the Legal Specialist and the Case Services Officer – Support Services, attending in advisory capacity only, withdrew from the meeting to allow the members of the Sub-Committee to consider their decision in private.

Members of the Sub-Committee considered their decision in private session and were mindful of the advice given to them by the Legal Specialist.

When the meeting reconvened, the Chairman informed those present at the hearing of the decision of the Licensing Sub-Committee:

The Licensing Sub-Committee resolved to REFUSE the application for a premises licence for land at Gilcombe Farm, Bruton, for Shindig Productions Ltd under section 18 of the Licensing Act 2003.

Reasons:

In reaching this decision the Sub-Committee took into full account the significant number of representations made by Other Parties and Responsible Authorities in relation to concerns about crime & disorder, public nuisance and public safety.

The Sub-Committee were mindful of the late submission of the documents requested in relation to Health and Safety and the fact that the Responsible Authority was unable to view and agree the relevant documents in time for the hearing. The Sub-Committee also had insufficient time to consider the conditions which had been agreed with the Avon and

Somerset Constabulary the morning of the hearing and therefore unable to make an informed decision if the conditions were sufficient and if further conditions needed to be imposed.

They were also concerned with the numbers attending the event and therefore felt that the evidence provided by the applicant especially in relation to security was insufficient to prevent crime & disorder and public safety. They also took into account the concerns from Other Parties and the peaceful enjoyment of resident's homes against the right of the applicant to make the application and agreed that the evidence supplied by the applicant had not demonstrated that the proposed hours until 4.00am for the supply of alcohol and regulated entertainment, the numbers attending the event and traffic management would prevent public nuisance.

All parties are reminded that there is a right of appeal against the decision of the Licensing Authority. Such an appeal is to be made within 21 days of the date of receipt of the formal Notice of Determination, and should be made to the South Somerset Magistrates' Court.

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Chairman

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Date