

South Somerset District Council

Minutes of a meeting of the **Licensing Sub Committee** held at the **Council Chamber, Council Offices, Brympton Way, Yeovil on Monday 9 March 2020.**

(10.00 am - 12.40 pm)

Present:

Members: Martin Wale (Chairman)

Kevin Messenger Paul Rowsell

Officers:

Anita Legg Specialist - Licensing
Jo Morris Case Officer (Strategy & Commissioning)
Ann Chislett Specialist - Legal

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

9. Declarations of Interests (Agenda Item 1)

Cllr. Paul Rowsell declared that a relative was present at the hearing. He indicated that his presence would have no bearing on his contribution to the decision.

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

It was agreed to adjourn the hearing for 15 minutes at the request of the Area Licensing Practitioner from Avon and Somerset Police Constabulary to allow for further discussion with the Applicant on the proposed conditions in order for the hearing to proceed.

The Sub-Committee reconvened and 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.

The Specialist – Licensing advised that the representation received from Stocklinch Parish Council had been withdrawn. The representation received on behalf of South Somerset District Council relating to health and safety had also been withdrawn subject to agreed conditions.

Members noted that representatives from Avon and Somerset Police Constabulary and Devon and Somerset Fire & Rescue Service had been in consultation with the Applicant but their representations had not been withdrawn.

11. Representation following the Application for a New Premises Licence at Dillington Park, Ilminster, TA19 9EQ (Agenda Item 3)

The Specialist – Licensing presented the report. She informed members that an application had been received from Shindig Productions Ltd. for a time limited premises licence to be granted under the Licensing Act 2003 at Dillington Park, Ilminster from 21 to 25 May 2020. 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 for the requisite period. The Specialist – Licensing advised that she had received 15 emails in support of the application and made reference to some of the comments made. She outlined the options available to the Sub-Committee, which were:-

- Grant the licence subject to such conditions which are consistent with the operating schedule modified to such extent as the Authority considers appropriate for the promotion of the Licensing Objectives and any condition, which must under s19-21, be included in the licence s18(4)(a)(i)(ii) together with the current mandatory conditions.
- Exclude from the scope of the licence any of the licensable activities to which the application relates s18(4)(b)
- Refuse to specify a person in the licence as the premises supervisor s18(4)(c)
- Reject the application s18(4)(d).

The Specialist – Licensing reiterated that the representation received from South Somerset District Council relating to health and safety had been withdrawn. A number of conditions had been agreed with the applicant which were read aloud to the Sub-Committee. She concluded with the right of appeal open to the Applicants.

The Area Licensing Practitioner from Avon and Somerset Police informed members that the Police had submitted an objection on 7th February in respect of the application and requested that the Sub-Committee consider refusing the licence due to the paperwork not being satisfactory. She explained that since that time various meetings had been held with the applicant and the event organiser had agreed to 62 conditions, most of which related to crime and disorder and the protection of children from harm. There were a few outstanding issues with the final wording of the conditions but they were almost agreed. One of the issues related to the Event Management Plan being submitted to the Ambulance Service however there was some disagreement from the Applicant on this matter who stated that the Ambulance Service was not classed as a Responsible Authority by the legislation. She noted that the large number of conditions were being imposed to ensure that the event was safe, well managed and the appropriate paperwork put into place and if implemented correctly would make the event as safe as possible. She advised that a number of the conditions related to various documents and policies being agreed to the satisfaction of Avon & Somerset Police Constabulary no less than 8 weeks prior to the event taking place.

The Sub-Committee was addressed by the Business Safety Officer from Devon and Somerset Fire & Rescue Service. He advised that Devon Somerset Fire & Rescue Service made representations on four points initially and that these had now been

agreed with the Applicant. Two further minor amendments to the Event Management Plan had also been proposed and agreed by the Applicant.

Members noted that no representation had been received from Environmental Protection but an officer was present at the hearing to assist members with any queries that they may have with regard to noise.

The Applicant's Solicitor expressed his apologies over the paperwork submitted and thanked the Responsible Authorities for all their hard work. He said that the Application before members was a good application with a schedule of conditions that would promote the licensing objectives and had been worked on with Responsible Authority officers prior to the hearing. He confirmed that within the next two weeks a number of policies and procedures within the Event Safety Management Plan would need to be finalised and was common practice with large events. He referred to the objections raised by local residents and noted that a lengthy document had been produced in response to the concerns. With regard to noise and traffic, he said that there was likely to be some impact from the event taking place but there would be no public nuisances as a result of the event. The Applicant's Solicitor stated that seven Shindig events had taken place previously and that letters of support had been received from 15 residents demonstrating that Shindig was a good event. Although the event had moved location there was no evidence in the paperwork about failure to deliver in the past. At the conclusion of his comments, he made a request for the conditions to be attached to the licence to be consolidated into one document.

In response to questions, members were informed of the following:

- The secondary exit (green gate located in Whitelackington) would only be used during the main inbound phases of the event. An example of use was taxis dropping off and then exiting the site. All vehicles would be using the blue gate during the egress phase.
- There would be a traffic resident road closure in place and stewarding on the secondary road.
- Stewards would be in place on the bend approaching the entrance to the site from Ilminster.
- Signage would be place to direct traffic from the A358.
- A 30mph limit would be in place on the stretch of road near the tight bend with no waiting restrictions.
- The distance from the nearest residences to the arena zone was 1000 metres.

The Applicant's Solicitor referred to the issue of dispute with the paperwork and extending the list of Responsible Authorities. He stated that there was a parallel process for event planning through the Safety Advisory Group (SAG) which constituted many more than the Responsible Authorities defined under the Licensing Act. It was confirmed that the Ambulance Service were consulted through the Safety Advisory Group process.

A member of the public who had previously submitted a letter in support of the event addressed the Sub-Committee. He said that he had attended many festivals and that Shindig was an extremely well organised event and referred to the need to encourage more cultural diversity.

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

- Inappropriate location
- Lack of transport links into Ilminster
- Increase in traffic congestion on local roads
- Impact on road safety
- Proximity of site to the local community
- Potential for an increase in crime and disorder in the area
- The bridleway and cycleway located through the site was used by the local community
- Protected species in the area and disruption to natural habitat
- Parked cars could be left in the local area
- Light pollution
- Concerns over waste and litter being left in the area
- Roads not suitable for volume of traffic
- Concerns over access for emergency vehicles
- Amplified music would cause a noise nuisance to the local community
- There should be no noise after midnight - 3.00am was too late

In response to some of the points raised, members were informed of the following:

- The cycleway would remain open and appropriately stewarded.
- The maps submitted at the residents consultation meeting held on 6th November were not the same as the licensing plan.
- The Applicants would be working and making sure that no one attending the event would be intruding into the adjoining village in an inappropriate manner.
- Information relating to stewarding, notices and signage were all contained within the Traffic Management Plan.
- An application had been made for a footpath diversion and was proceeding appropriately.

With regard to coronavirus, the Avon and Somerset Police Constabulary clarified that the Applicants would need to make provision in their Event Management Plan and had been referred to Public Health England.

The Area Licensing Practitioner from Avon and Somerset Police confirmed that the conditions put forward as agreed by the parties but subject to an amendment to Condition 21, which related to security on site (which had been agreed prior to the hearing) were the conditions that they requested to be attached to the licence.

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 – Strategy & Commissioning, attending in an 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 GRANT the application for a premises licence for land at Dillington Park, Ilminster, Somerset, for Shindig Productions Ltd under section 18 of the Licensing Act 2003 subject to the following conditions to promote the licensing objective(s) of the prevention of crime and disorder/public safety/the prevention of public nuisance and the protection of children.

1. The relevant mandatory conditions under the Licensing Act 2003;
2. Conditions consistent with the applicant's Operating Schedule
3. Conditions agreed between the Applicant, the Avon & Somerset Police Constabulary, Devon & Somerset Fire and Rescue Service and South Somerset District Council - Health & Safety - in advance of the hearing.

In reaching this decision the sub-committee took into account all representations made by Other Parties. They balanced the right for local residents' enjoyment of their homes against the right of the applicant to operate their business. They were mindful that the conditions agreed would satisfied the prevention of crime & disorder, public nuisance, protection of children and public safety objectives and felt that no further conditions were necessary.

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