

5. Representation following the Application for a New Premises Licence for Bearley Farm, Tintinhull

Group Manager: David Stapleton, Group Manager, Health & Housing
Report Author: Anita Legg – Licensing Officer
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Purpose of the Report

To inform members that an application for a new premises licence under the Licensing Act 2003, has been received from Festival Life Ltd for Bearley Farm, Tintinhull. The premises application is for a licence for limited duration from 29th May until 02nd June 2007.

Recommendation

To determine the granting of the premises licence in accordance with the options detailed later in the report.

Background

The Council is the authority responsible for the issue of Premises Licences issued under Section 18 of the Licensing Act 2003.

The Licensing Manager has delegated authority to determine a Premises Licence application, subject to no objections being received from a Responsible Authority or an Interested Party. In this case, valid representations have been received on behalf of the Chief of Police for the area and the Environmental Protection team as Responsible Authorities and from 5 Interested Parties, necessitating the convening of a hearing.

Licensing Objectives

The licensing objectives are:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

The licensing objectives are to be considered paramount and the Council has a duty to promote them in its decision making process. An application will not be refused in whole or part or any conditions attached except those offered by the applicant or required by law except where necessary to promote the licensing objectives.

Application

The details of the application are as follows:

- Applicant:

Festival Life Ltd

- What has been applied for (including times)

The provision of regulated entertainment the provision for late night refreshment and the provision to supply alcohol as follows:

Regulated Entertainment

Plays (A), Live music (E), Recorded Music (F), Performance of Dance (G), Anything of a similar description (H), Provision of Facilities for Making Music (I) and Provision of Facilities for Dancing (J), Provision of facilities for entertainment of a similar description (K) on Thursday 29th May from 09:00 hours through to 06:00 hours Monday 02nd June 24 hours a day; however the actual times and activities will be confined to the various stages and tents as stated in the operating schedule which are as follows:

Sunrise Stage Categories E, F, G and H – Grid Reference N8

Day	Date	Start Time	Finish Time
Friday	30 th May	18:00	00:00
Saturday	31 st May	00:01	02:00
Saturday	31 st May	18:00	00:00
Sunday	1 st June	00:01	02:00
Sunday	1 st June	15:00	23:30

Firefly Stage Categories E, F, G, H and J – Grid Reference S7

Day	Date	Start Time	Finish Time
Thursday	29 th May	18:00	00:00
Friday	30 th May	00:01	01:00
Friday	30 th May	16:00	00:00
Saturday	31 st May	00:01	03:00
Saturday	31 st May	16:00	00:00
Sunday	1 st June	00:01	03:00
Sunday	1 st June	16:00	00:00

Waveform Stage Categories E,F,G,H and J – Grid Reference U1

Day	Date	Start Time	Finish Time
Thursday	29 th May	18:00	00:00
Friday	30 th May	00:01	02:00
Friday	30 th May	12:00	00:00
Saturday	31 st May	00:01	04:00
Saturday	31 st May	12:00	00:00
Sunday	1 st June	00:01	04:00
Sunday	1 st June	12:00	00:00

Roots and Culture Stage Categories E, F, G, H and J - Grid Reference R9

Day	Date	Start Time	Finish Time
Thursday	29 th May	12:00	00:00
Friday	30 th May	00:01	00:00
Saturday	31 st May	00:01	00:00
Sunday	1 st June	00:01	00:00
Monday	2 nd June	00:01	04:00

Waveform Live Chill Categories E, F, G, H and J - Grid Reference S10

Day	Date	Start Time	Finish Time
Thursday	29 th May	12:00	00:00
Friday	30 th May	00:01	00:00
Saturday	31 st May	00:01	00:00
Sunday	1 st June	00:01	00:00
Monday	2 nd June	00:01	04:00

Bimble Inn Categories E, F and H – Grid Reference O14

Day	Date	Start Time	Finish Time
Thursday	29 th May	12:00	00:00
Friday	30 th May	00:01	03:00
Friday	30 th May	12:00	00:00
Saturday	31 st May	00:01	06:00
Saturday	31 st May	12:00	00:00
Sunday	1 st June	00:01	06:00
Sunday	1 st June	12:00	00:00
Monday	2 nd June	00:01	01:00

Circus Stage Categories A, E, F, G, H, J and K Grid Reference Q9

Day	Date	Start Time	Finish Time
Thursday	29 th May	18:00	00:00
Friday	30 th May	00:01	02:00
Friday	30 th May	18:00	00:00
Saturday	31 st May	00:01	04:00
Saturday	31 st May	18:00	00:00
Sunday	1 st June	00:01	04:00
Sunday	1 st June	16:00	00:00
Monday	2 nd June	00:01	01:00

Village Fayre Stage Categories E, F, G and H – Grid Reference O14

Day	Date	Start Time	Finish Time
Thursday	29 th May	12:00	00:00
Friday	30 th May	12:00	00:00
Saturday	31 st May	00:01	02:00
Saturday	31 st May	12:00	00:00
Sunday	1 st June	00:01	02:00
Sunday	1 st June	12:00	00:00

Out of the Ordinary Categories E, F, H, and J – Grid Reference T12

Day	Date	Start Time	Finish Time
Thursday	29 th May	12:00	00:00
Friday	30 th May	12:00	00:00
Saturday	31 st May	00:01	03:00
Saturday	31 st May	12:00	00:00
Sunday	1 st June	00:01	04:00
Sunday	1 st June	12:00	00:00
Monday	2 nd June	00:01	01:00

Triban Categories E, F, H and J – Grid Reference O12

Day	Date	Start Time	Finish Time
Thursday	29 th May	12:00	00:00
Friday	30 th May	00:01	00:00
Saturday	31 st May	00:01	00:00
Sunday	1 st June	00:01	00:00
Monday	2 nd June	00:01	02:00

GAMA Categories E, F and J – Grid Reference L14

Day	Date	Start Time	Finish Time
Thursday	29 th May	12:00	23:00
Friday	30 th May	12:00	00:00
Saturday	31 st May	12:00	00:00
Sunday	1 st June	00:01	01:00
Sunday	1 st June	12:00	23:00

Fish Seeks Bicycle Bar Categories E and J – Grid Reference P8

Day	Date	Start Time	Finish Time
Thursday	29 th May	12:00	00:00
Friday	30 th May	00:01	02:00
Friday	30 th May	12:00	00:00
Saturday	31 st May	00:01	04:00
Saturday	31 st May	12:00	00:00
Sunday	1 st June	00:01	06:00
Sunday	1 st June	12:00	00:00
Monday	2 nd June	00:01	01:00

Backstage Bar Categories E, F and J – Grid Reference N10

Day	Date	Start Time	Finish Time
Thursday	29 th May	12:00	00:00
Friday	30 th May	00:01	02:00
Friday	30 th May	12:00	00:00
Saturday	31 st May	00:01	04:00
Saturday	31 st May	12:00	00:00
Sunday	1 st June	00:01	04:00
Sunday	1 st June	12:00	00:00
Monday	2 nd June	00:01	04:00

Cats Cradle Categories E, F, H and J – Grid Reference O11

Day	Date	Start Time	Finish Time
Thursday	29 th May	12:00	00:00
Friday	30 th May	00:01	03:00
Friday	30 th May	12:00	00:00
Saturday	31 st May	00:01	06:00
Saturday	31 st May	12:00	00:00
Sunday	1 st June	00:01	06:00
Sunday	1 st June	12:00	00:00
Monday	2 nd June	00:01	01:00

Freedome Category I - Grid Reference R10

Day	Date	Start Time	Finish Time
Thursday	29 th May	12:00	00:00
Friday	30 th May	00:01	00:00
Saturday	31 st May	00:01	00:00
Sunday	1 st June	00:01	00:00
Monday	2nd June	00:01	04:00

Hemp Space Café Categories E, F, G and H – Grid Reference R14

Day	Date	Start Time	Finish Time
Thursday	29 th May	12:00	00:00
Friday	30 th May	12:00	00:00
Saturday	31 st May	00:01	04:00
Saturday	31 st May	12:00	00:00
Sunday	1 st June	00:01	06:00
Sunday	1 st June	12:00	00:00

Roots Impro Café – Categories E, F, G, H and I – Grid Reference R10

Day	Date	Start Time	Finish Time
Thursday	29 th May	18:00	00:00
Friday	30 th May	18:00	00:00
Saturday	31 st May	18:00	00:00
Sunday	1 st June	18:00	00:00

All Other Cafés Category I

Day	Date	Start Time	Finish Time
Thursday	29 th May	12:00	00:00
Friday	30 th May	00:01	00:00
Saturday	31 st May	00:01	00:00
Sunday	1 st June	00:01	00:00

Regulated Entertainment – Films Category B

Cinema A - Grid Reference S11

Day	Date	Start Time	Finish Time
Thursday	29 th May	22:00	00:00
Friday	30 th May	00:01	04:00
Friday	30 th May	22:00	00:00
Saturday	31 st May	00:01	04:00
Saturday	31 st May	22:00	00:00
Sunday	1 st June	00:01	04:00
Sunday	1 st June	22:00	00:00
Monday	2 nd June	00:01	04:00

Café Cinema B – Grid Reference R14

Day	Date	Start Time	Finish Time
Thursday	29 th May	12:00	00:00
Friday	30 th May	00:01	04:00
Friday	30 th May	12:00	00:00
Saturday	31 st May	00:01	04:00
Saturday	31 st May	12:00	00:00
Sunday	1 st June	00:01	04:00
Sunday	1 st June	12:00	00:00
Monday	2 nd June	00:01	02:00

Café Cinema C – Grid Reference S11

Day	Date	Start Time	Finish Time
Thursday	29 th May	12:00	00:00
Friday	30 th May	00:01	04:00
Friday	30 th May	12:00	00:00
Saturday	31 st May	00:01	04:00
Saturday	31 st May	12:00	00:00
Sunday	1 st June	00:01	04:00
Sunday	1 st June	12:00	00:00
Monday	2 nd June	00:01	02:00

Café Cinema D – Grid Reference O12

Thursday	29 th May	12:00	00:00
Friday	30 th May	00:01	04:00
Friday	30 th May	12:00	00:00
Saturday	31 st May	00:01	04:00
Saturday	31 st May	12:00	00:00
Sunday	1 st June	00:01	04:00
Sunday	1 st June	12:00	00:00
Monday	2 nd June	00:01	02:00

Café Cinema E – Grid Reference O11

Thursday	29 th May	12:00	00:00
Friday	30 th May	00:01	04:00
Friday	30 th May	12:00	00:00
Saturday	31 st May	00:01	04:00
Saturday	31 st May	12:00	00:00
Sunday	1 st June	00:01	04:00
Sunday	1 st June	12:00	00:00
Monday	2 nd June	00:01	02:00

Regulated Entertainment Outside Venues – Includes walkabout performance, Fire Performance and dance pieces

Sunrise Celebration Festival, Bearley Farm, Categories A, G, H, I, J AND K

Day	Date	Start Time	Finish Time
Thursday	29 th May	10:00	00:00
Friday	30 th May	00:01	00:00
Saturday	31 st May	00:01	00:00
Sunday	1 st June	00:01	00:00
Monday	2 nd June	00:01	08:00

Fire Performance Area category H – Grid Reference R11

Day	Date	Start Time	Finish Time
Thursday	29 th May	18:00	00:00
Friday	30 th May	00:01	00:00
Saturday	31 st May	00:01	00:00
Sunday	1 st June	00:01	00:00
Monday	2 nd June	00:01	02:00

Late Night Refreshment

From Thursday 29th May until Monday 02nd June as follows:

Day	Date	Start Time	Finish Time
Thursday	29 th May	23:00	00:00
Friday	30 th May	00:01	05:00
Friday	30 th May	23:00	00:00
Saturday	31 st May	00:01	05:00
Saturday	31 st May	23:00	00:00
Sunday	1 st June	00:01	05:00
Sunday	1 st June	23:00	00:00
Monday	2 nd June	00:01	05:00

Supply of Alcohol – Fixed Point

From Thursday 29th May until Monday 02nd June as follows:

Main Bar – Grid Reference P9 and Cider Bar Grid Reference S6

Day	Date	Start Time	Finish Time
Thursday	29 th May	11:00	00:00
Friday	30 th May	00:01	01:00
Friday	30 th May	11:00	00:00
Saturday	31 st May	00:01	02:00
Saturday	31 st May	11:00	00:00
Sunday	1 st June	00:01	02:00
Sunday	1 st June	11:00	00:00

Backstage Bar - Grid Reference N10

Day	Date	Start Time	Finish Time
Thursday	29 th May	11:00	00:00
Friday	30 th May	00:01	02:00
Friday	30 th May	11:00	00:00
Saturday	31 st May	00:01	04:00
Saturday	31 st May	11:00	00:00
Sunday	1 st June	00:01	04:00
Sunday	1 st June	11:00	00:00
Monday	2 nd June	00:01	02:00

Bimble Inn - Grid Reference O14

Day	Date	Start Time	Finish Time
Thursday	29 th May	11:00	00:00
Friday	30 th May	00:01	02:00
Friday	30 th May	11:00	00:00
Saturday	31 st May	00:01	03:30
Saturday	31 st May	11:00	00:00
Sunday	1 st June	00:01	03:30
Sunday	1 st June	11:00	00:00

Triban Cafe - Grid reference Q9 - Limited to the supply of alcoholic beverages only

Day	Date	Start Time	Finish Time
Thursday	29 th May	11:00	00:00
Friday	30 th May	00:01	02:00
Friday	30 th May	11:00	00:00
Saturday	31 st May	00:01	04:00
Saturday	31 st May	11:00	00:00
Sunday	1 st June	00:01	04:00
Sunday	1 st June	11:00	00:00

Out Of The Ordinary - Grid Reference S11

Day	Date	Start Time	Finish Time
Thursday	29 th May	11:00	00:00
Friday	30 th May	00:01	01:00
Friday	30 th May	11:00	00:00
Saturday	31 st May	00:01	03:00
Saturday	31 st May	11:00	00:00
Sunday	1 st June	00:01	03:00
Sunday	1 st June	11:00	00:00

Circus Cafe - Grid Reference Q14 – Limited to the supply of alcoholic beverages and cocktails

Day	Date	Start Time	Finish Time
Thursday	29 th May	11:00	00:00
Friday	30 th May	00:01	02:00
Friday	30 th May	11:00	00:00
Saturday	31 st May	00:01	04:00
Saturday	31 st May	11:00	00:00
Sunday	1 st June	00:01	04:00
Sunday	1 st June	11:00	00:00

Earthart Cafe Grid Reference R10 - Limited to the supply of alcoholic beverages only

Day	Date	Start Time	Finish Time
Thursday	29 th May	11:00	00:00
Friday	30 th May	00:01	02:00
Friday	30 th May	11:00	00:00
Saturday	31 st May	00:01	04:00
Saturday	31 st May	11:00	00:00
Sunday	1 st June	00:01	04:00
Sunday	1 st June	11:00	00:00

Village Fayre Bar – Grid Reference O14

Day	Date	Start Time	Finish Time
Thursday	29 th May	11:00	00:00
Friday	30 th May	11:00	00:00
Saturday	31 st May	00:01	02:00
Saturday	31 st May	11:00	00:00
Sunday	1 st June	00:01	02:00
Sunday	1 st June	11:00	00:00

Pennard Wines – Grid Reference P7

Day	Date	Start Time	Finish Time
Thursday	29 th May	11:00	00:00
Friday	30 th May	11:00	00:00
Saturday	31 st May	00:01	02:00
Saturday	31 st May	11:00	00:00
Sunday	1 st June	00:01	02:00
Sunday	1 st June	11:00	00:00

Fish Seeks Bicycle Bar – Grid Reference P8

Day	Date	Start Time	Finish Time
Thursday	29 th May	11:00	00:00
Friday	30 th May	00:01	02:00
Friday	30 th May	11:00	00:00
Saturday	31 st May	00:01	03:00
Saturday	31 st May	11:00	00:00
Sunday	1 st June	00:01	03:00
Sunday	1 st June	11:00	00:00

Booth Alpha – Grid Reference (Not yet known)

Day	Date	Start Time	Finish Time
Thursday	29 th May	16:00	00:00
Friday	30 th May	16:00	00:00
Saturday	31 st May	00:01	02:00
Saturday	31 st May	16:00	00:00
Sunday	1 st June	00:01	02:00
Sunday	1 st June	16:00	00:00

Booth Beta – Grid Reference (not yet known)

Day	Date	Start Time	Finish Time
Thursday	29 th May	16:00	00:00
Friday	30 th May	16:00	00:00
Saturday	31 st May	00:01	02:00
Saturday	31 st May	16:00	00:00
Sunday	1 st June	00:01	02:00
Sunday	1 st June	16:00	00:00
Monday	2 nd June	00:01	02:00

- Additional steps put forward by the applicant to comply with licensing objectives. (These will become conditions of the licence, subject to the licence being granted, and are in addition to any further conditions imposed by the Licensing Committee).

Due to the number of conditions put forward by the applicant, please see the attached appendix with full details of the application.

- Evidence that advertising/notice requirements have been complied with.

The applicants have confirmed that the notice was displayed at premises for the requisite period and that a further notice, was placed in the Western Gazette on Thursday 07 February 2008 to comply with the requirements of the Licensing Act 2003.

Photographs were taken of the notices at the premises by a Licensing Enforcement Officer and a copy of the advert was sent to the Licensing Office by the applicant.

Representations – Responsible Authorities

A representation was received on behalf of the Chief of Police for the area from:

Inspector Andrew Bishop
Operations Support
Yeovil Police Station
Horsey Lane
YEOVIL

A number of conditions were suggested on the representation form, which would satisfy the concerns of the police.

A representation was received on behalf of Environmental Protection from:

Vicki Dawson
Principal Environmental Protection Officer
Environmental Health
Old Kelways
Somerton Road
Langport

Representations – Interested Parties

Representations were received from 5 Interested Parties

Relevant Observations

The premise is an agricultural farm, which has motor sports some days throughout the year. The premises licence applied for is a limited duration of five days.

Further Information

Applicant

The applicant has been notified that the authority considers that it will want clarification at the hearing on the following matters in accordance with Regulation 7(1)(d) with regard to how it will address the matters raised in the representations

Interested Parties

Clarification has been sought from Interested Parties on the following matters in accordance with Regulation 7(1)(d):

Two Interested Parties have been requested to provide further information involving a security guard and one of those Interested Party also been requested to provide information on alleged property damage.

Other information

The applicants have submitted an application for an order to be made concerning traffic on Bearley Lane from 29th May to 02nd June 2008.

A negotiation meeting was held on Tuesday 18th March at 10:00 in the Council Chambers, which was attended by Mr Hurring and his noise consultant Mr Anderson; Ms Dawson and Mr Sanders from the Environmental Protection Team; Ms King from the Police; 4 of the 5 Interested parties consisting of Mr and Miss Ledbury, Dr Lorch and Mr Cousins; Ms Bradburn and Mrs Legg from the Licensing Department. Ms Cox was also present and took notes of the meeting. Mr Littlewood (an Interested Party) and Inspector Bishop were unable to attend the meeting and gave their apologies.

Ms King representing the Police, and Ms Dawson representing the Environmental Protection Team stated that if their suggested conditions were included within the operating schedule they would both withdraw their representations.

It appeared that discussed conditions could satisfy the representations made, therefore following the meeting, letters were sent to the parties concerned, that would in essence amend the operating schedule submitted by Festivalife subject to the withdrawal of representations. This meant that each party opposing the licence was given the opportunity to withdraw their representation, if the discussed conditions met their stated representation and was included in the operating schedule. The applicant was also sent a letter detailing all the discussed conditions, which would amend their operating schedule if representations were withdrawn.

Due to the limited time before the hearing, it was not possible at the time of writing, to verify whether any representations had been formally withdrawn (subject to an amended operating schedule). Members will therefore, be updated on the status of each representation at the hearing.

It was also agreed at the meeting that another meeting should be held in the middle of May 2008 with the security firm(s) working at the festival to alleviate such problems as vehicles with flashing lights during the evening and night. Local residents, members of the Licensing Team and the Police will be invited to attend by the applicant.

Considerations

In determining the Application with a view to promoting the licensing objectives in the overall interests of the community, the Committee must have regard to and give appropriate weight to the following considerations:-

- Any relevant and valid representation (including supporting documentation received)
- The Latest Guidance issued under s182 of the Act
- Guidance issued under s182 of the Act
- The Statement of Licensing Policy issued in December 2007
- The steps necessary to promote the licensing objectives as set out in s18(4) Human Rights considerations in particular Article 6, Article 8 and Article 1 of Protocol 1

The Sub-Committee may depart from the Guidance and the Policy referred to above if the merits of the application require it. Full reasons must be given for any departure made.

Options

The options available to the committee in this case are as follows:

- Grant the licence.
- Grant the application subject to modification to such extent as the Authority considers necessary for the promotion of the Licensing Objectives and any condition, which must under s19-21, be included in the licence.
- Reject the application S18 (4) (d).

Right of Appeal

Schedule 5 of the Licensing Act 2003 sets out the rights and procedures for making appeals against the decision of the Licensing Authority.

Where the Licensing Authority has rejected an application to grant a premises licence (in whole or in part), the applicant may appeal to the Magistrates' Court against the decision to reject. The applicant may also appeal against a decision by the Licensing Authority to refuse to specify a person as the Designated Premises Supervisor.

Where the Licensing Authority has granted the licence subject to modified conditions, the applicant may appeal to the Magistrates Court against the decision to modify.

Where the Licensing Authority has granted the licence subject to the exclusion of any of the licensable activities, the applicant may appeal to the Magistrates Court against the decision to exclude.

If the applicant receives a favourable decision from the Licensing Authority, the person(s) making the representation also can appeal to the Magistrates' Court against the grant of licence or the modification of conditions.

The appellant commences the appeal by giving a notice of appeal to the justices' chief executive for the Magistrates' court within 21 days beginning with the day on which the applicant was notified by the Licensing Authority of the decision to be appealed against.

On determining the appeal, the court may,

- Dismiss the appeal
- Substitute for the decision appealed against any other decision which could have been made by the Licensing Authority; or
- Remit the case to the Licensing Authority to dispose of it in accordance with the court.

Background Papers

Licensing Act 2003

Licensing Act 2003 (Hearings) (Regulations) 2005

Guidance issued under section 182 of the Licensing Act 2003.

The Statement of Licensing Policy for South Somerset District Council