

LICENSING ACT 2003 SUB-COMMITTEE 1

THURSDAY, 15 MARCH 2018

Present:

Councillors Hockin (Chairman), Bromell and Nutley

Officers in Attendance:

Trish Corns, Democratic Services Officer
Andrea Furness, Licensing Manager
Marie Downey, Solicitor

1. MINUTES

The Minutes of the meeting held on 8 September 2017 were confirmed as a correct record and signed by the Chairman.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. APPLICATION FOR A NEW PREMISES LICENCE BY WONDER FIELDS FESTIVAL LTD, IN RESPECT OF FIELDS, GREAT FULFORD, DUNSFORD,

3.1 Introduction

The Chairman introduced the Members of the Sub Committee, Legal Adviser, Licensing Officer, Democratic Services Officer and explained their respective roles.

The Chairman advised that the Sub Committee would take into account the merits of the application against the four licensing objectives: the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm, in addition to the Home Office Guidance and the Council's Licensing Policy.

3.2 Procedure to be followed

The Legal Adviser referred to the procedure to be followed for the Hearing and those present wishing to make verbal submissions. There had been no requests from any other party to speak at the hearing. The procedure was as previously circulated to all interested parties with the Notice of Hearing. All parties had been sent an agenda.

Additional information from the Applicant was circulated before the Hearing, which aimed to mitigate some of the concerns raised by objectors and also clarified points.

3.3 The Council's Licensing Officer's Report

The Assistant Licensing Officer referred to the report previously circulated with the Notice of Hearing and the agenda, which contained full details of the application. The Licensing Officer referred to the current conditions, circulated with the agenda.

The Council has received three letters of objection from local residents objecting to the application on the grounds of crime and disorder and public nuisance, in particular the objections relate to: antisocial behaviour; noise nuisance well into the early hours; unauthorised access across farmland; risk to livestock and crops; lack of security on entrances to the event; perimeter fences being breached and access to the event other than by the secure designated accesses; insufficient toilet facilities; traffic congestion, residents' vehicular accesses being blocked; and rubbish and debris in the highway and gardens.

3.4 Address by Interested Parties

3.4.1 Applicant's Representatives

Mr de Hann on behalf of the Applicant advised that the Company was communicating with residents and working with officers to formulate management strategies. These include: traffic management and *no parking* signs; a safeguarding plan; noise levels will be more accurately monitored with new equipment; reducing the hours so that the event will finish at 0230hrs Monday; increased security on site and 24 hour patrol for the field at the top of Green Lane; the number of portaloos were double the number required at last year's event and this would be repeated for the forthcoming event.

In response to questions, the Sub Committee were advised by Mr de Hann and his representatives that: security will be present on the entrances at all times; the three objectors will be given emergency contact details of a liaison officer; there will also be a community wide liaison number; it is proving difficult to locate a suitable alternative site; security fencing will be erected at the perimeter and this was identified on the map circulated with the agenda; stewards will patrol areas with no fence; two safeguarding officers will be on site 24 hours; Challenge 25 will be implemented and a register of refusals kept; and a specialist will be on site advising on traffic management.

In relation to security checks at the event, Alice de Hann, on behalf of the Applicant advised that there would be two checks to access the site and additional checks on site.

3.4.2 Environmental Health Officer

In relation to Environmental Health issues: there were issues with the noise at the event in 2017. The sound from the event was reduced when requested by the Environmental Health officer. Unfortunately the sound on the site became so low there was a reaction from the crowd asking to turn it up. The crowd was clearly audible from the monitoring points. Due to the low background sound level at Fulford house the noise from the event will be audible at neighbouring homes, but it should not be intrusive if controlled correctly. New sound systems are to be used and a consultant has been employed to control the sound levels to not to operate greater than 10dba above the background La90 at the boundary after 11pm.

3.5 Decision

We have read all the written material and listened to the representations by representatives of the Applicant, at the Hearing. Other interested parties were not present at the Hearing and we have read and carefully considered all written material from the objectors.

The Council's Licensing Policy states that terminal hours will normally be approved when the applicant can show that the proposal would not adversely affect the licensing objectives, unless after hearing relevant representations, the Council believes it necessary, proportionate and reasonable to restrict the hours required. We do not consider that it is necessary, proportionate or reasonable to restrict the hours, because we have not seen any evidence which would support doing so.

We are satisfied that the Applicant company is experienced and responsible and we are satisfied, on the balance of probability, that the event will not cause an unreasonable nuisance to local residents.

In the circumstances we grant this application as detailed in the report with the Applicants' offer to reduce the hours for the licensable activities to 0230hrs and an increase of the late night refreshment for Monday to 0500hrs.

Rights of Appeal

This decision does not take effect until the period for making an appeal has expired, or if an appeal is made, until that appeal has been determined. An appeal may be made by the applicant for the review, the licence holder or any person who made relevant representations in relation to the application.

If you wish to appeal you must give notice of appeal to the Clerk to the Justices at the South Devon Magistrates' Court, 1st Floor, Riviera House, Nicholson Road, Torquay TQ2 7TT, within the period of 21 days beginning with the day on which you were notified of the decision.

Should there be problems associated with the event the Council's Environmental and Safety Department has powers under the Environmental Protection Act 1990 to take action against statutory noise nuisances.

EDWARD HOCKIN
Chairman