

LICENSING AND REGULATORY SUB-COMMITTEE

THURSDAY, 25 APRIL 2024

Present:

Councillors Hayes (Chair), Sanders and Bradford

Officers in Attendance:

Licensing Manager

Legal Assistant

82. APOLOGIES

None.

83. DECLARATIONS OF INTEREST (IF ANY)

None.

84. APPLICATION FOR A TEMPORARY EVENT NOTICE - GREAT FULFORD HOUSE, DUNSFORD, EX6 7AJ

The Sub-Committee gave consideration to a report presented by the Licensing Manager (previously circulated) in which determination was sought in respect of a Temporary Event Notice (TEN) for Great Fulford House, Dunsford, EX6 7AJ.

The premises user attended the meeting and was permitted to speak and also answered questions put to them by the Sub-Committee.

A representative for Environmental Health who had submitted an objection also attended the meeting and was permitted to speak.

Arising from consideration of the report, evidence presented and in accordance with the relevant provisions of the Licensing Act 2003 Statutory Guidance, and the Council's Licensing Policy, it was moved by Councillor Hayes and seconded by Councillor Sanders, and

RESOLVED that the Temporary Event Notice in respect of Great Fulford House, Dunsford, EX6 7AJ be granted.

Reasons for the decision:

The Sub-Committee heard from the Licensing Manager who confirmed that the site does not currently have a premises licence and as such conditions could not be added to the TEN should the sub-committee be minded to grant the application.

The Sub-Committee heard from the Environmental Health representative the reasons for the objection submitted which were:

- concerns relating to public nuisance arising from noise levels impacting on neighbours.
- past noise complaints resulting from events held on the site although the complaints are unrelated to this notice.
- The limits of 45-65 decibels suggested within the application comes from general guidance and would not necessarily be appropriate for the site.
- A TEN is more suited to events such as garden fetes and not festivals as these sites tend to be used as a one-off party ground with no thought to the impact on the neighbours.
- The Environmental Health representative confirmed that 1 or 2 events per year are seen as reasonable and in recent years there have only been around 10 events.
- The premises user had submitted a good management plan and it was felt that a more appropriate way to ensure control over the event would be to use a premises licence so that appropriate conditions could be agreed.

The Sub-Committee then heard from the premises user who in response to questions confirmed the following:

- they believe this event is the only one to be held on the site this year and is in memory of a friend who passed away. They want to work with the Council and neighbours to ensure a successful event.
- They have a lot of other experience working with more established festival sites including Glastonbury.
- The premises user also works in environmental management and so is very aware of potential negative impacts on local wildlife and farm animals and the need to mitigate these.
- it was explained that the site which was used last year was no longer suitable for a few reasons, one of which being that the surroundings have become more residential and so the premises user felt it best to find a more appropriate location as the hope is to find a permanent location for the festival.
- the noise limits included within the TEN and management plan were believed to be suitable following discussions that took place with the previous council. The decibel levels are measured from a certain distance away from the site. If the TEN is granted then sound testing will start straight away, especially in sensitive spots.
- The premises user admitted that at the last festival noise levels did go above slightly but these were reduced once discovered. A professional sound engineer is employed who has specialist equipment and can take the required readings, position speakers in appropriate areas and generally ensure sound levels are appropriate.
- Neighbours will be informed in plenty of time and the premises user is happy to leaflet drop. Residents will be given a contact number to discuss any

concerns prior to the event and to allow them to raise any problems during the event itself.

- The premises user confirmed that they were open to employing local businesses and that whilst they expect most attendees will be people known to them, it would be a public event and open to local people.
- The event site will be enclosed with fencing and entry ticketed. Attendees will be given a wristband and if found without this they will be removed from the site. A security firm will be employed along with volunteers to keep an eye on matters.
- The premises user also acknowledged the Licensing Manager's concerns over numbers on the size of the site but stressed that the area that would be used is around 20 acres and will be fenced. Whilst they don't have confirmed numbers for the number of staff, they estimate it will be similar to last year when they had roughly 50 people working at the event.
- If the site is suitable for long term use, they would be open to applying for a premises licence for future events.

The Sub-Committee having considered the TEN submitted and having heard from those present and being mindful of Statutory Code of Guidance and Licensing policy, felt that on balance it could not refuse this TEN.

The Sub-Committee were impressed with the TEN and the comprehensive event management plan that had been provided. The Sub-Committee were surprised that the TEN had come before them and felt that as the premises user had been willing to work with officers, suitable modifications to the TEN could potentially have been agreed to satisfy officer concerns without the need for a hearing. It was felt that refusing the TEN and advising the premises user to submit a full premises licence instead would not be suitable, not least due to the length of time this could take.

The Sub-Committee noted the concerns of the Environmental Health officer over potential intrusive noise levels but felt that the premises user has comprehensively shown they will be able to mitigate this by employing a sound engineer, having a plan for the reduction of sound levels for the evening and undertaking sound testing. The premises user will also provide a contact number for neighbours to use if they have any problems with noise levels during the event.

The Sub-Committee had not been provided with the specifics of the complaints from previous unrelated events held at the site some years ago and so these were not deemed relevant and provided no cause to refuse for this application. The premises user had shown they were open to suggestions on how they can work with the Council and neighbours to put on a successful event and the Sub-Committee liked their enthusiasm and the reasons for wanting to hold the event. The Sub-Committee also felt this could be a positive event for the local community and economy.

The Sub-Committee also considered the Licensing Managers concerns over the number of staff and attendees, but again these concerns were not considered relevant. The premises user had provided an estimate of the number of tickets they were hoping to sell and those who would be employed. There are limits to the

numbers that can attend an event under a TEN. The organisers were aware of these and it would be for them to manage appropriately.

The Sub-Committee were satisfied that the premises user was suitably experienced and would be able to promote and uphold the four Licensing Objectives and therefore deemed it appropriate to grant the Temporary Event Notice.

Cllr R Hayes
Chair