

# **LICENSING ACT 2003 SUB-COMMITTEE 2**

**23 APRIL 2019**

Present:

Councillors Dennis (Chairman), Prowse and Nutley

Officers in Attendance:

Trish Corns, Democratic Services Officer

Andrea Furness, Licensing Manager

Marie Downey, Solicitor

## **5. MINUTES**

The Minutes of the meeting held on 6 December, 2018 were approved as a correct record and signed by the Chairman.

## **6. DECLARATIONS OF INTEREST**

There were no declarations of interest.

## **7. APPLICATION FOR A NEW PREMISES LICENCE - VIRGO FESTIVAL, GREAT FULFORD, DUNSFORD**

### **7.1 Introductions**

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.

### **7.2 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.

### **7.3 The Council's Licensing Manager's Report**

The Sub-Committee considered a new premises licence for Virgo Festival, Great Fulford, Dunsford. Details of the licence were set out in the report circulated with the agenda, and is for the provision of live and recorded music, performance of dance, late night refreshment and the supply of alcohol.

The annual event had been held since 2016 with an annual premises licence.

The Council had received one letter of objection from Mr Dickers, a local resident objecting to the application on the grounds of public nuisance.

### **7.4 Address by Interested Parties**

#### **7.4.1 Mr Dickers, Objector**

Mr Dickers objected on the grounds of potential noise nuisance well into the early hours with noise and music being clearly audible from dwellings some 1km away; residents and farmland access' being blocked; and parking on narrow lanes potentially obstructing emergency service vehicles. At a recent event at the same premises, noise could be heard some 10 miles from the site. This event would have noise until 3am, 4am and 5am depending on the day, and 71 hours in total over the 4 day event. The turning down of the music each night at 11pm would help alleviate the noise nuisance for residents, and reductions of hours in line with the other festivals that takes place at this venue.

It was noted that the recent event at the premises referred to by Mr Dickers was not connected to the current Applicant.

In response to questions, the applicant's representative, Mr Adda advised that the times were as previous years, with the additional day of the Thursday evening 12 noon to 3am, and an additional hour Friday to Sunday to allow for a 1 hour wind down period in an Ambient Tent each evening with a much quieter level of music.

#### **7.4.2 Mr Adda and Mr Wright representing the Applicant**

Mr Adda submitted that the purpose of the Ambient Tent was to prevent tent parties and therefore decrease disturbance to the local area. This would be the final year of the Virgo festival. It was a smaller event than others held at the premises and sold in the region of 750 tickets each year. One stage only would be open on Thursday and the music level would be lower than the other days.

Mr Wright, Sound Manager for the event advised that advanced methods were used to retain the sound within the area. Should sound levels exceed that allowed, personnel would be alerted immediately, and the noise level reduced accordingly. This occurred a couple of times at last year's event and the level was adjusted immediately. Other similar events at the premises have a varied programme of bands throughout the day. Virgo Festival's programme would be constant and therefore it would be easier to control sound levels.

A summary of the Event Management Plan was circulated for information, and it was confirmed that there was no new or additional information in this document from those previously submitted. However, further clarification was required in relation to some issues in the document.

In response to questions Mr Adda confirmed that a charge would be made for car parking as in previous years. Mr Dickers cautioned that if this was the case cars would park in the road causing difficulties for emergency service vehicles, and blocking farm, field and residents accesses, as had been the case in previous years. Mr Adda commented that no complaints had been received in relation to this issue. Customers were encouraged to use the local highway network as a one way system to reduce congestion. All staff were trained, customers were required to show ID and bags were routinely searched. The festival was for over 18yr olds only. The purpose of the additional day on the Thursday was to enable customers another day to travel to the event that would be less busy on the roads than the Friday.

### **7.4.3 Decision**

“We have carefully considered all the written material and also the oral submissions on behalf of the Interested Parties and Applicant.

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 appropriate, reasonable and proportionate to restrict the hours required. We do not consider that it is appropriate, reasonable and proportionate 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 subject to the final Event Management Plan being received and approved by the Licensing Manager by 7 May, 2019.”

### 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, 1<sup>st</sup> 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.

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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.

CHARLIE DENNIS  
Chairman