

DECISION NOTICE

COMMITTEE:

Licensing Sub-Committee (Licensing Act 2003 and Gambling Act 2005)

DATE:

Tuesday, 25 July 2017

Premises:	Witcombe Cider Festival, Part Parcel 6568, Painswick Road, Brockworth.
Applicant:	Joseph Pointon.
Application for a premises licence.	
Present:	Councillors Mrs G F Blackwell, Mrs J Greening and R E Garnham (Chair).
Representatives of the Applicant:	Andrew Cook – Independent Licensing Consultant for Easy Licensing. Thinus Delport - Rugby for Heroes. John Dix – John Dix Transport. Alan Lamb - Rugby for Heroes. Jeremy Phillips - Licensing Barrister. Joseph Pointon – Applicant. Dewi Scourfield – Health and Safety Adviser. Darren Simms –Simms Security Solutions.
Responsible Authorities:	Michael Griffiths – Head of Legal Services at Gloucestershire Constabulary. Yvonne Hope – Interim Environmental Health Manager at Tewkesbury Borough Council. David McFarlane – Head of Crime Prevention and Licensing at Gloucestershire Constabulary. Emma McMillan – Licensing Unit, Harm Reduction Department at Gloucestershire Constabulary. Clare Morgan – Community Neighbourhood Policing Sergeant for Gloucestershire Constabulary.
Other Parties Addressing the Sub-Committee:	Mr Jim Hunt – Chair of Brockworth Parish Council and resident of Shurdington Road. Four residents of Abbotswood Road. Three residents of Painswick Road.

SUMMARY OF REPRESENTATIONS

1. Three responsible authorities had made representations in relation to the application: Gloucestershire Constabulary, Tewkesbury Borough Council's Environmental Health Department and Gloucestershire Fire and Rescue Service.
2. Gloucestershire Fire and Rescue Service subsequently agreed four conditions with the applicant for inclusion within the Operating Schedule.
3. 34 valid representations had been received from members of the public: 13 representations in support of the application and 21 representations in objection to the application.

THE APPLICATION

Relevant licensable activities and hours applied for:

Live music or similar activity	Friday	17:00 to 00:00
	Saturday, Sunday and Monday	10:00 to 00:00
Recorded music or similar activity	Friday	17:00 to 00:00
	Saturday, Sunday and Monday	10:00 to 00:00
Performance of dance or similar activity	Friday	17:00 to 00:00
	Saturday, Sunday and Monday	10:00 to 00:00
Late night refreshment	Friday, Saturday, Sunday and Monday	23:00 to 00:00
Supply of alcohol	Friday	17:00 to 00:00
	Saturday, Sunday and Monday	10:00 to 00:00
Hours premises open to public	Friday	16:00 to 00:30
	Saturday, Sunday and Monday	09:00 to 00:30

AMENDMENT TO THE APPLICATION BY THE APPLICANT

Live music or similar activity	Friday	17:00 to 00:00
	Saturday and Sunday	10:00 to 00:00
Recorded music or similar activity	Friday	17:00 to 00:00
	Saturday and Sunday	10:00 to 00:00
Performance of dance or similar activity	Friday	17:00 to 00:00
	Saturday and Sunday	10:00 to 00:00
Late night refreshment	Friday, Saturday and Sunday	23:00 to 00:00
Supply of alcohol	Friday	17:00 to 00:00
	Saturday and Sunday	10:00 to 00:00
Hours premises open to public	Friday	16:00 to 00:30
	Saturday and Sunday	09:00 to 00:30

DECISION

Having considered the application; the evidence provided; the representations made by all parties, including those made at the hearing; the four licencing objectives; the National Guidance; and the Council's Statement of Licensing Policy, it was resolved that the premises licence be **GRANTED** in accordance with the application set out, subject to the following amendments and conditions:

AMENDMENTS AND ADDITIONAL CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AS AMENDED BY THE SUB-COMMTTEE

General

1. All mandatory conditions to be added to the licence.
2. The hours of the event will be Friday 16:00 to 00:30, Saturday and Sunday 09:00 to 00:30 of the August Bank Holiday weekend.
3. No private camping is to be provided on the site itself, save for pre-booked yurts, or equivalent. Campers must be included within the total number of patrons allowed on the site.

Public Safety

1. There shall be a capacity of 1,500 attendees at the event at any one time (which includes staff and performers) on Friday. On Saturday and Sunday no more than 2,250 patrons shall be permitted at the event at any one time; additionally total staff and performers shall not exceed 500.

Prevention of Crime and Disorder

1. A minimum ratio of 1 door supervisor per 75 customers shall be employed on the site between the hours of 20:00 and 00:00 on all event days.
2. There must be a 24 hour security presence on the site; this is extended to the camping site for the duration of the event.

Prevention of Public Nuisance

1. A detailed noise management plan must be provided which will set out how the applicant is going to ensure that throughout the event the Music Noise Levels (MNL) does not exceed 65dB(A) over a 15 minute period at 1 metre from the façade of any noise sensitive premises. This includes inaudibility of music noise between the hours of 23:00 and 09:00 (as detailed in section 3 of The Noise Council Code of Practice on Environmental Noise Control at Concerts). The plan must identify the noise monitoring locations; the duration and pattern of the noise monitoring throughout the event; details of the noise monitoring equipment, including calibration details; and the credentials of the persons undertaking the monitoring – this must be a member of the Institute of Acoustics, or equivalent body.
2. There will be no operating fun fair on the Friday night and no dodgems on any day.

CONDITIONS CONSISTENT WITH THOSE RECOMMENDED BY THE RESPONSIBLE AUTHORITIES AND AGREED WITH THE APPLICANT

1. The organiser will ensure that the main access point is no less than 4.5 metres wide.
2. The access route for vehicles will be clearly marked by means of posts and tape.
3. The alternative means of escape in the south-west corner of the festival site will remain accessible at all times and be permanently staffed when the festival is open to the public.
4. The organiser will assess the firmness of all vehicle routes prior to and during the festival and will install trackway if necessary.

The Sub-Committee also sought the following undertakings from the premises licence holder:

1. That, if this licence is accepted, the premises licence holder will surrender his existing premises licence.
2. That the premises licence holder will hold a public engagement exercise, to which the Parish Council should be formally invited, to brief the community on plans for the subsequent festival at least three months prior to the event.
3. That the premises licence holder will facilitate a follow-up meeting with all interested parties within one month following the last day of the event.

REASON

The Sub-Committee recognised that the applicant had the benefit of a good track record for the operating of the event over the last few years and that the residents themselves were happy with the security measures provided at the event by Mr Simms and his team. The Sub-Committee noted that Mr Simms stated that there was always a 24 hour security presence at the site but, when looking at the conditions, the Sub-Committee noted that this was not a condition of the licence and they decided that it should be added to reassure residents.

The Sub-Committee noted that the Police raised a lot of issues of public safety in relation to the proposed use of buses by the applicant; however, Gloucestershire Highways had had the opportunity to register an objection and attend the meeting and had chosen not to do so. The Sub-Committee had heard from Mr Dix, a transport manager, about how he proposed to deal with the buses at the event and it was satisfied that he would take every precaution necessary to ensure the safety of the public; therefore the relevant licensing objective would be adhered to.

The Sub-Committee had also heard from Yvonne Hope, Interim Environmental Health Manager at Tewkesbury Borough Council, in relation to the necessity for the condition that an independent competent acoustic consultant, who is accredited by a relevant professional body, should undertake the noise level readings due to the fact that, historically, the data provided had been insufficient. The Sub-Committee believed that this condition was a requirement due not only to the representations of Ms Hope, but also those of the residents living within the immediate vicinity of the event and therefore impacted by the noise levels.

The Sub-Committee believed that the introduction of “glamping” would be a positive addition to the festival but was concerned that private camping could get out of hand and should not be allowed. Further camping should only be from the patrons of the event, therefore the numbers should be included with the number of patrons attending the event and there should be a 24 hour security presence on site for protection of the patrons and the residents.

The Sub-Committee was happy to agree to the amendment offered and accept Friday night with 1,500 patrons, including staff, but was concerned about the addition of another evening with a funfair and the associated noise impact on residents. On that basis it decided to impose a condition that there be no operating funfair on the Friday night but otherwise the applicant could operate as applied for. As suggested by the applicant the use of “dodgems” would not be allowed.

The Sub-Committee deliberated for a long time over the number of patrons that should be allowed to the event. It noted that the license as it currently stood allowed 1,500 persons on site per day including the staff. The applicant had stated that there were 378 staff currently but that this could rise to 500 if the application was successful. The Sub-Committee decided to restrict the number of patrons to 2,250 per day, excluding staff of up to 500, because it felt that a fair amount of the mitigation measures proposed were untried and tested and, to allow the number of patrons to go from below about 1,200 (once staff were excluded) on the current license, up to 3,000 patrons (plus staff and an unknown number of children) was a large increase to deal with when the applicant could not evidence experience of controlling that number of people - especially at closing time. Given the public and Police concerns about how people would disperse from the site, the Sub-Committee was mindful of the licensing objectives and felt that, whilst the mitigation measures - especially the buses - should hopefully prove very successful, there were a number of unknowns and the Licensing Authority needed to control numbers until experience showed the mitigation measures worked. The Sub-Committee acknowledged the considerable efforts of the applicant to put in place all the measures proposed and felt these would help address the concerns raised by both the public and the Police.

The Sub-Committee had regard to the Human Rights Act 1990 and the European Convention on Human Rights as well as its duty under the Crime and Disorder Act 1998; however, it found that it had heard no evidence that any persons human rights would be infringed by granting the application, nor was it sufficient to convince the Panel that any significant crime and disorder would be caused by granting the application.

The Sub-Committee noted that there was disagreement on the amount of engagement between the applicant and local residents, and that this was a matter of contention at the hearing, and wanted to clarify that situation. Therefore the suggestion of two public engagement exercises, in advance of and post the event, was felt prudent and necessary.

The Sub-Committee therefore determined that it was necessary and proportionate to apply these additional conditions to promote the licensing objectives of public safety, the prevention of crime and disorder, and public nuisance. In all other respects, the Sub-Committee found that, despite the recommendations made by other parties, the licensing objectives had been satisfied and the conditions imposed on the licence would ensure that the licence would continue to meet those objectives.

All parties were reminded of their right of appeal to the local Magistrates Court within 21 days of the decision.