

LICENSING SUB-COMMITTEE

17 September 2007

Attendance:

Councillors:

Mather (Chairman) (P)

Hammerton (P)

Weston (P)

Others in attendance who addressed the meeting:

Councillor Verney

Others in attendance who did not address the meeting:

Councillor Baxter

Officers in Attendance:

Mr H Bone (Head of Legal Services)

Mr J Myall (Licensing and Registration Manager)

Mrs C Tetstall (Property and Licensing Solicitor)

Ms S Blazdell (Environmental Protection Team Manager)

1. **COUNCILLOR SUE FITZGERALD**

The Chairman announced that Councillor Sue Fitzgerald had died suddenly on 14 September 2007 and the Sub-Committee passed on its sincere condolences to her family and friends.

2. **MATTERLEY BOWL PREMISES LICENCE – APPEAL**

(Report LR244 refers)

Mr Bone set out the background to the Report. In summary, an appeal had been lodged with the Magistrates Court by Mr Perveril Bruce regarding his application for a premises licence for Matterley Bowl. Mr Bruce had sought a licence for ten events per year for up to 14,999 people and this was considered by the Licensing Sub-Committee at its meeting on 21 May 2007. However, having considered the representations received from the interested parties, the Sub-Committee had agreed to grant a licence for ten events but specified that of these, only two would be for a capacity of up to 14,999 people, whilst the other eight were limited to 5,000 people for four events and 2,000 people for the remaining four events. The Sub-Committee had considered that reducing the numbers of people that could attend these events would lessen their impact on local residents, based on the licensing objectives set out in the Licensing Act 2003.

The appeal was scheduled to be heard by the Magistrates' Court in Andover with a pre-trial review hearing set for 9 October 2007. Mr Bone explained that the Court would consider the application afresh and there was a possibility that it might grant the application as originally applied for in full (ten events, each up to 14,999 people). It was considered that such a decision was likely to increase the level of disruption to local residents.

Discussions had taken place between the applicant's solicitors and officers, from which a compromise solution had emerged. If agreed by the Sub-Committee, the applicant had indicated that he would be prepared to withdraw the appeal and thus avoid the hearing and its associated costs.

The suggested compromise was that six (rather than ten) events be permitted each year and that each of these would be limited to 14,999 people. Where an event took place on the premises by virtue of another premises licence (such as the Mean Fiddler's licence for the Homelands event or the Slammin' Vinyl event) the total number of events permitted under Mr Bruce's licence would be correspondingly reduced.

The compromise settlement also suggested that two of the events under Mr Bruce's licence could continue after midnight. It was proposed that this would be in addition to the events at the site under separate licences (namely, Homelands and Slammin' Vinyl) which were also permitted to continue after midnight.

During debate, Mrs Blazdell explained that, although Mr Bruce had not at this stage indicated the type of events he hoped to hold with the licence, dance-music events (such as Homelands and Slammin' Vinyl) were likely to generate very similar noise levels regardless of the numbers attending. However, the noise levels at these events would be conditioned by the Event Management Plan, which would be required for every event.

In response to questions, Mrs Blazdell confirmed that the Council had sent approximately 250 feedback forms to local residents and had operated a telephone hotline in relation to this year's Slammin' Vinyl event. From this, there had been complaints from eight households regarding noise. These households were mostly located in the Alresford/Itchen Valley area as a consequence of the prevailing wind and Mrs Blazdell explained that this had resulted in noise levels being reduced during the event. Members also noted that there had been a limited number of complaints received by the Council regarding the early arrival of some food traders which had parked on the A31.

Mrs Blazdell also explained that there were staffing pressures on her Division which affected its ability to react to large-scale events and that it may therefore be necessary to employ outside consultants.

The Sub-Committee discussed the number of events that Mr Bruce sought to hold at the site which could continue past midnight. To clarify the situation, Mr Bone read a letter received by the Council from Mr Bruce's solicitors. The proposed compromise settlement was that of the six events (each limited to 14,999 people), two were permitted to continue after midnight. Members noted that, taking the site as a whole, it was therefore likely to be four events throughout the year which could continue beyond midnight - two under Mr Bruce's licence and a probable further two under licences held for Homelands and Slammin' Vinyl.

In response to a question, Mr Bone confirmed that although Mr Bruce and his representatives had been invited to the meeting, they had decided not to attend. He added that this should not prejudice the Sub-Committee's consideration of the application.

At the invitation of the Chairman, local residents Mr Matthews, Mr and Mrs Barker and Mr Gapper (Chairman of Itchen Valley Parish Council) spoke against the proposed settlement.

In summary they raised concerns regarding noise and traffic from events held at Matterley Bowl. With regard to traffic concerns, it was explained that some previous events had resulted in mud on the road and a seven mile detour for local residents because of the traffic management plan. This detour had financial consequences for a fencing company located off the A31.

The speakers emphasised the level of disruption caused due to noise and stated that this was accentuated by the events being held in the summer, when windows were more likely to be left open and, due to the atmospheric conditions, sound was able to travel further. It was also explained that the relatively low number of complaints reflected the fact that residents were resigned to the disturbance caused by the events at Matterley Bowl, but that it was likely that the number of complaints would dramatically increase if more events were held at the site.

Mr Barker added that the noise levels were comparable to much larger events such as the Glastonbury and Reading Festivals and were unjustifiable for the relatively small audiences at the Matterley Bowl. In addition, he questioned the standards by which the Council set noise levels and he suggested that the Council was, in effect, subsidising events held at the site.

In response, Mrs Blazdell explained that sound levels were based on advice from the Noise Council and had been adapted through the experience of previous events. She added that the relatively low number of complaints indicated that there was little need to alter the current noise levels. Mr Myall stated that whilst there was no direct subsidy to events held at the site, the Licensing Act 2003 only permitted Councils to charge fees set by the Government and these did not always reflect the true costs, especially in terms of officer time, that were borne by the Council.

At the invitation of the Chairman, Councillor Verney (as Ward Councillor for a neighbouring ward, Cheriton and Bishops Sutton) spoke against the licence. In summary, he explained that noise from events held at the site had, with prevailing winds, affected residents in his Ward. He therefore welcomed any reduction in noise levels that could be achieved at the site.

In addition, Councillor Verney set out a proposed traffic management scheme which utilised an alternative access to the site to minimise disruption to local residents.

The Sub-Committee noted that it could only take into account matters relevant to the licensing objectives (crime and disorder, public nuisance and public safety) in considering its position regarding the appeal. The traffic issues had been considered and approved by the Sub-Committee on 21 May 2007 and would form an important part of the Event Management Plan. Mr Bone advised that it was unlikely that the inconvenience caused by the events to local people could be considered as public nuisance. He advised that public nuisance should be interpreted as a reduction in the living amenity of a local resident as a consequence of the event. This usually referred to matters such as noise late at night, rather than the inconvenience caused by traffic congestion and diversions.

However, Mr Myall noted Councillor Verney's comments and agreed to raise his suggestions at the Safety Advisory Group which would consider the Traffic Management Plan.

Following consideration of the issues raised by the public that spoke, the Sub-Committee agreed to enter into exempt session to consider legal advice on the likely consequences of the pending Appeal (detail in exempt minute).

3. **EXEMPT BUSINESS**

RESOLVED:

1. That in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

2. That the public be excluded from the meeting during the consideration of the following items of business because it is likely that, if members of the public were present, there would be disclosure to them of 'exempt information' as defined by Section 100I and Schedule 12A to the Local Government Act 1972.

<u>Minute Number</u>	<u>Item</u>	<u>Description of Exempt Information</u>
##	Legal Advice – Matterley Bowl Premises Licence - Appeal) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (Para 5 to Schedule 12A refers).

At the conclusion of deliberation in the exempt session, the Sub-Committee returned to public session.

Mr Bone explained that the Licensing Act 2003 provided for any interested party to request a review of the licence at any time by, in the first instance, contacting the Council.

Having taken into account the issues raised at the meeting, together with those in the Report and those raised in exempt session, the Sub-Committee agreed to settle the appeal on the basis of a licence to hold six events for up to 14,999 people. Members noted Mrs Blazdell's advice that the number of people attending could make little difference to the noise and disruption the event would have on local people. The figure of six events per calendar year would be reduced by other events that might be held on the site under other premises licences, such as Homelands or Slammin' Vinyl.

The Sub-Committee agreed that although up to two events under Mr Bruce's licence could continue beyond midnight (as the compromise settlement sought), Members asked officers to seek to limit this to two days per event, to minimise the effect on local people.

RESOLVED:

1. That the proposed compromise settlement be accepted in principle, namely a reduction from ten events to six events (inclusive of any other events held on the site) all events to be for up to 14,999 people and up to two events under this licence being permitted beyond midnight (limited to two nights per event).

2. That delegated authority be granted to the Head of Legal Services, in consultation with the Chairman and Ward Councillor, to finalise the detailed conditions and deal with the appeal generally, broadly in accordance with the above principles.

3. That the reasons for the decision on 21 May 2007 (as set out in Appendix 2 to this Report) be incorporated into the minutes of that meeting.

The meeting commenced at 6.30pm and concluded at 9.00pm.