

LICENSING SUB-COMMITTEE**10 April 2017****Attendance:**

Councillors:

Izard (Chairman) (P)

Green (P)

Tait (P)

Officers in attendance:

Miss J Allingham – Licensing Officer

Miss C Stefanczuk – Licensing Manager

Ms C Tetstall – Licensing Solicitor

Mr P Tidridge – Scientific Officer, Environmental Health

1. **REVIEW OF PREMISES LICENCE – WICKHAM FOLK FESTIVAL SITES,
BLIND LANE, WICKHAM**
(Report LR496 refers)

The Chairman welcomed to the meeting Mr Richard Davey, Premises Licence Holder for Wickham Folk Festival Sites.

Miss Allingham introduced the Report which set out the details of the review application. In summary, she explained that a review of the premises licence for Wickham Folk Festival Sites had been submitted by Mr Tidridge, on behalf of Winchester City Council's Environmental Health Team, a responsible authority, under Section 51 of the Licensing Act 2003.

The application received from Mr Tidridge related to the licensing objective, prevention of public nuisance, following noise monitoring visits that had been carried out near the premises in 2016, as set out in Appendix 1 to the Report.

Miss Allingham advised that no further representations had been received to the application. However, Notice of Application signs had been displayed at the application sites and in surrounding roads from 20 February 2017, and also on the noticeboard at the Council Offices and on the Council's website for a period of 28 days.

Miss Allingham drew the Sub-Committee's attention to the proposed conditions suggested by the Environmental Health Team to promote the prevention of public nuisance licensing objective, as set out on Page 10, Section 5 of the Report.

At the conclusion of the introduction by the Licensing Officer and in response to the Sub-Committee, Mr Davey confirmed that he had nothing further to add at this stage in the hearing.

Mr Tidridge provided a brief summary of the reasons for the submission of the review application by Environmental Health and advised that the key issue with the current premises licence was its enforceability due to the wording contained therein, as set out in Appendix 2 of the Report. Mr Tidridge explained that this had come to light during a noise monitoring visit at the site on 5 August 2016 when monitoring carried out at sensitive receptor points had resulted in levels failing to meet the objective, despite there being no complaints received by the closest residential properties. Mr Tidridge reported that the noise level set within the current premises licence was unachievable and impossible to attain without music being inaudible through the speaker system, therefore the current levels within the licence were bound to fail whatever the situation.

Mr Tidridge confirmed that the main emphasis of the proposed conditions set out in the Report was to achieve an enforceable noise level to meet the licensing objective so appropriate action could be taken where this failed to comply. Therefore, following discussions with the licence holder, Mr Davey, it had been agreed that a moderate increase to the noise level be made to the licence between the hours of 11:00 and 23:00, with an alteration to the music end time from 23:15 to 23:00 hours considered acceptable. Mr Tidridge confirmed that the Environmental Health Team was satisfied that this would not cause public nuisance concerns.

In addition, the modernisation of other conditions in the premises licence had been proposed by Environmental Health to bring them up to date and to reflect the conditions set out in similar premises licence applications of this nature.

One Member queried the need to conduct noise monitoring 1 metre from the façade of any noise sensitive dwelling. In response, Mr Tidridge clarified that this was due to possible issues regarding trespass. To address this matter, the proposed licence conditions require Mr Davey to submit a plan showing the monitoring points which must be agreed in writing by the Licensing Authority no later than 28 days in advance of the event.

In conclusion, Mr Davey confirmed that he had liaised with Mr Tidridge regarding the changes to conditions and was satisfied with the revised conditions suggested by the Environmental Health Team and that these conditions would be met.

The Sub-Committee retired to deliberate in private.

On returning to the meeting room, the Chairman stated that the Sub-Committee had carefully considered the application and the representations made. It had taken into account the duties under the Crime and Disorder Act 1998 and the rights set out in the Human Rights Act 1998.

The Sub Committee concluded that the Premises Licence be amended in line with the conditions set out in the Report from page 10 (Section 5), as follows:

PN1 – Between the hours of 11:00 and 23:00 noise levels from music shall not exceed 70dB LAeq (15 minutes) and between the hours of 23:00 and 01:00 on the following day shall not exceed 45dB LAeq (15 minutes). All noise levels from music shall be measured in free field conditions, in the absence of other significant local noise sources, at locations to be agreed in writing with the Licensing Authority no later than 28 days in advance of the event.

PN2 – The Premises Licence Holder shall produce an initial Noise Management and Community Liaison Plan (NMP) at least 60 days prior to the commencement of the event. The final NMP shall be submitted to the Licensing Authority for agreement no later than 28 days prior to the commencement of the event. No alteration to the NMP after this date shall be made by the Premises Licence Holder except with the written consent of the Licensing Authority.

PN3 – The final NMP shall contain the methodology which shall be employed to control the sound produced on the premises, in order to comply with the premises licence. The NMP must include all of the arrangements for preventing public nuisance and consultation with the local community and shall include:

- a) An inventory and details of the location of all sound systems to be used on the site.
- b) Management command and communication structure/methods for ensuring that permitted sound system output and finish times are not exceeded.
- c) Publication and dissemination of information to the public and arrangements for provision and staffing of a hotline number for dealing with complaints.
- d) Action to be taken by the Event Organiser following complaints, which shall be logged and made available to the Licensing Authority upon request.

PN4 – The Premises Licence Holder shall ensure compliance with all aspects of the Noise Management and Community Liaison Plan.

PN5 – At least 7 days prior to an event the Premises Licence Holder shall provide to the Licensing Authority a telephone contact number for the Premises Licence Holder or a nominated representative during the course of an event.

PN6 – The Premises Licence Holder shall appoint a competent noise consultant to monitor and record on site and off site noise throughout the event, to ensure compliance with noise levels. All monitoring undertaken shall be logged and made available to the Licensing Authority upon request.

The Chairman thanked all those present for attending the meeting and explained to all parties that they would be formally notified of the decision in

writing in due course and of their right to appeal to the Magistrate's Court within 21 days from the date of the decision letter.

RESOLVED:

1. That the Review of the Premises Licence be amended in line with the conditions set out in the Report from page 10 (Section 5), and contained above.

REASON

The applicant had addressed the licensing objectives related to public nuisance and the amended conditions would enable a measurable and rationalisation of noise monitoring with a balance set between the Licence Holder and the local residents.

The meeting commenced at 10.00am and concluded at 10.35am.

Chairman