

## **LICENSING SUB-COMMITTEE**

**Monday, 31 January 2022**

Attendance:

Councillors

McLean (Chairperson)

Green

Westwood

Officers in attendance:

Briony Appletree – Interim Licensing Manager  
Nathan Mountney – Litigation Solicitor

[Full audio recording](#)

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### 1. **DISCLOSURE OF INTERESTS**

There were no disclosure of interests made at this meeting.

### 2. **APPLICATION FOR REVIEW OF PREMISES LICENCE - FOODIES FESTIVAL, NORTH WALLS RECREATION GROUND, GORDON ROAD, WINCHESTER, HAMPSHIRE**

(Report LR556)

The Chairperson welcomed all those present to the meeting:

#### **Applicant:**

Philip Tidridge on behalf of the Environment Protection Team for Winchester City Council

#### **Licence Holder:**

Sue Hitchen (attended remotely via MS Teams)

#### **Other Persons who have made written representations:**

Councillor Paula Ferguson (representation on pages 27 & 28)

The Interim Licensing Manager introduced the report which set out an application for a review of the premises licence under section 51 of the Licensing Act 2003 for Foodies Festival, North Walls Recreation Ground, Gordon Road, Winchester. The application had been submitted by Philip Tidridge on behalf of Environmental Protection for Winchester City Council, a responsible authority as

defined under section 13 of the Licensing Act 2003 on 24 December 2021, and related to the prevention of public nuisance licensing objective citing incidents from the event held under the premises licence in 2021 as evidence to support the applicant's view that the licensing objective had not been promoted. The application proposed the imposition of conditions on the premises licence to promote the relevant licensing objective. The full application was set out in Appendix 1 to the report.

The premises licence has been held by The Media Company Publications Ltd since May 2021 and authorises the provision of live music and the supply of alcohol (for consumption on and off the premises) for a maximum of 3 consecutive days per calendar year. Full details of the operating schedule and existing conditions were set out in Appendix 3 to the report.

In conclusion, the Sub-Committee were advised that no representations had been received by Responsible Authorities. Four written representations had been received from 'Other Persons' (including from two Ward Councillors). These representations were set out in full in Appendix 2.

At the invitation of the Chairperson, the applicant, Mr Philip Tidridge, on behalf of Environmental Protection for Winchester City Council addressed the Sub-Committee to set out his application and responded to questions.

The Chairperson then invited Councillor Paula Ferguson as 'Other Persons' who had made relevant written representation as Ward Councillor for St Bartholomew to address the Sub-Committee. The points raised were answered by the applicant and the Interim Licensing Manager accordingly.

Lastly, the Chairperson invited the Licence Holder and Managing Director of Foodies Festival, Sue Hitchen, to address the Sub-Committee in response to the points raised regarding the non-compliance with specific conditions in relation to public nuisance within the premises licence and questions were answered thereon.

Mrs Hitchen confirmed that to alleviate the concerns of the applicant and local residents in future, she was happy to comply with the additional conditions proposed by Mr Tidridge, as set out in the report.

The Sub-Committee retired to deliberate in private.

In his closing statement, the Chairperson stated that the Sub-Committee had carefully considered the application for review, the representations made by the Applicant, 'Other Persons' and the Licence Holder. It has taken into account the Council's Statement of Licensing Policy, the Home Office Guidance issued under section 182 of the Licensing Act 2003, 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 should be amended as set out below:

RESOLVED:

- (i) PN2(c) related to dissemination of information to the public, to be amended to include the additional wording highlighted in bold below, to read as follows:

'Publication and dissemination of information to the public and arrangements for the provision and staffing of a hotline number for dealing with complaints, **in an area agreed with the Licensing Authority**'; and

- (ii) That the additional conditions PN5, PN6 and PN7 suggested by the Applicant, Mr Philip Tidridge (Environmental Protection on behalf of Winchester City Council), as set out in Appendix 1 to the report, be included as follows:

PN5 - All noise levels from music shall not exceed 55dB LAeq (15 minutes) at monitoring locations agreed in writing with the Local Authority.

PN6 - The monitoring locations shall be agreed in writing with the Licensing Authority no later than 28 days before any event commences. These locations shall be representative of the noise levels experienced at the nearest domestic premises and shall be measured in free field conditions in the absence of other significant local noise sources.

PN7 - The Premises Licence holder shall appoint a competent noise consultant to monitor and record on site and off site music noise throughout the event to ensure compliance with noise levels required under PN5. All monitoring performed shall be made available to the Licensing Authority upon request. Such records shall be kept for a minimum of 3 months after any such event finishes.

REASONS:

The Sub-Committee considered the evidence provided by Philip Tidridge to be credible. Points of particular concern to the Sub-Committee were:

- (a) Partial non-compliance with conditions PN1 to PN4 of the current licence.
- (b) Limited distribution of letters to residents providing the emergency telephone number for complaints.
- (c) Limited extended sound monitoring.
- (d) Lack of records regarding noise monitoring.

The Sub-Committee considered that the amended conditions were reasonable, proportionate and sufficient to promote the licensing objective of the prevention of public nuisance.

The Chairperson 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 Magistrates' Court within 21 days from the date of notification of the decision.

The meeting commenced at 10.03 am and concluded at 11.45 am

Chairperson