

LICENSING SUB-COMMITTEE

Friday, 6 December 2019

Attendance:

Councillors

Mather (Chairperson)

Bentote

Clementson

Other Councillors in attendance who addressed the meeting:

Councillor Russell Gordon-Smith

Officers in attendance:

Miss B Appletree, Licensing Officer

Mrs C Tetstall, Licensing Solicitor

Mr I Myers, Licensing Officer

1. **VARIATION TO PREMISES LICENCE - ALRESFORD MUSIC FESTIVAL, ARLEBURY PARK, ALRESFORD**

(Report LR529 refers)

The Chairperson welcomed all those present to the meeting:

Representing the Applicant – (M3 Productions)

- James Mitchell (Designated Premises Supervisor)

Responsible Authorities

- Abigail Toms on behalf of Environmental Health, Winchester City Council

Interested Parties

- Mr and Mrs Wragg
- Jacquie and John Frampton
- Gary Smith
- Councillor Russell Gordon Smith (speaking on behalf of Councillor Margot Power).

The Licensing Officer introduced the report which set out the details of the application. In summary, she explained that the application was for a variation of a Premises Licence under Section 34 of the Licensing Act 2003 in relation to Alresford Music Festival, Arlebury Park, Alresford, Hampshire, SO24 9EA.

The Licensing Officer explained that the application was to permit the Festival to take place across a period of two days per calendar year, as opposed to one day per calendar year as permitted by the current Premises Licence. This application proposed licensable activities to be permitted on the second day in addition to the existing Licence.

The application proposed amplified Live Music both indoors and outdoors and the Supply of Alcohol (for consumption on and off the premises) to take place on the second day. The proposed licensable hours were as follows:

1. The hours the premises may be used for regulated entertainment shall be as follows. The hours in italics/underlined> are already permitted under the current Premises Licence.

Live Music (Indoors and Outdoors)

- (i) Saturday 1000 to 2345
(currently licensed for 1000 to 0000)
- (ii) Sunday 1100 to 2130

Recorded Music

- (i) *Saturday 1000 to 0000*
(permitted under current licence)

2. The hours the premises may be used for late night refreshment shall be as follows. The hours in italics/underlined> are already permitted under the current Premises Licence.

- (i) *Saturday 2300 to 2345*
(permitted under current licence)

3. The hours the premises may be used for the sale of alcohol shall be:

- (i) *Saturday 1100 to 2345*
(permitted under current licence)

- (ii) Sunday 1100 to 2200

4. The hours the premises may open for other than Licensable Activities shall be:

- (i) Saturday 1000 to 0000
- (ii) Sunday 1000 to 2230

Members were informed that full details of the current licence could be read on pages 47 to 55 of the officer's report and that the application to vary the licence could be read on pages 23 to 34.

The Committee was advised that Hampshire Constabulary had made a representation against the application with regard to the prevention of crime and disorder and the protection of children from harm licensing objectives. During the consultation period, a number of conditions had been agreed between Hampshire Constabulary and the applicant, and the representation was subsequently withdrawn. Winchester City Council's Environmental Health team had made a representation against this application with regard to the prevention of public nuisance licensing objective which could be seen at Appendix 2 of the officer's report. Further, seven valid representations had been received from 'Other Persons', all of which were against the application. These representations were set out in Appendix 3 and primarily related to the prevention of public nuisance licensing objective.

Finally, the Licensing Officer asked if there was any objection to an additional map plan (referred to as Appendix 6A) being introduced and no objections were made.

At the invitation of the Chairman, Mr Mitchell, speaking on behalf of the applicant, addressed the Sub-Committee and outlined the background to the proposed variation of the premises licence. In summary, Mr Mitchell explained that the second day of the Festival would allow local individuals and groups to take an active part in the Festival and that the variation to the licence was required in part to make this second day financially viable. Mr Mitchell also outlined a number of points that he felt dealt with the concerns that had been raised within the representations from interested parties. Members of the Sub-Committee asked Mr Mitchell for clarity regarding:

- Noise levels and soundproofing
- Timings for the playing of music on the 2nd day
- The current and anticipated attendance figures
- Ticketing arrangements
- Vehicle Parking arrangements

The Environmental Protection Manager, Winchester City Council, addressed the Sub-Committee. She advised that the location of the event was surrounded by noise-sensitive properties, which were extremely close to the boundary of the site. She felt that it would be impossible to attenuate noise from outdoor stages sufficiently as to prevent any noise disturbance given such close distances. Whilst complaints from local

residents were low historically, she felt that this was likely due to the event being held for one-day and as such there was a degree of acceptability within the community. Given that it would be impossible to attenuate noise levels significantly, a one day event was always considered to represent an appropriate balance between the interests of the event organiser and protection of the community. She believed that a whole weekend of live/recorded music would tip this balance and present an unacceptable level of noise resulting in public nuisance and significant complaints.

The Chairperson then invited any interested parties to address the Committee.

Mr and Mrs Wragg addressed the Sub-Committee and referred Members to their representation shown on page 39 of the officer's report which referred to their concerns of excessive noise levels. In addition, Mrs Wragg stated that she felt the noise nuisance from live and recorded music was equally disturbing to residents.

Jacquie and John Frampton then addressed the Sub-Committee and referred Members to their written representation on page 40 of the officer's report. They made specific reference to the noise impact for residents of Arle Close.

Gary Smith addressed the Sub-Committee and referred Members to his representation on pages 44 -45 of the officer's report. He made specific references to the impact of noise to the local elderly population. Mr Smith suggested that a more suitable venue could be sought to hold the Festival in the future.

Finally, Councillor Russell Gordon Smith (speaking on behalf of Councillor Margot Power) addressed the Committee. He also felt that this largely residential area was not an appropriate venue for such a Festival and described how many local residents suffer from the noise nuisance.

The Sub-Committee retired to deliberate in private.

The Sub-Committee reconvened and in her closing remarks, the Chairperson stated that the Sub-Committee had carefully considered the Application and the representations made by the applicant, the responsible authorities and the interested parties, relating to the prevention of public nuisance. 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.

RESOLVED:

That the application for a variation of the Premises Licence be refused.

REASON

A two-day event in this residential location would have a disproportionate and unreasonable effect on the amenity of people living and working in the surrounding area. The Sub-Committee accepted the professional judgement of the Environmental Protection Manager that nuisance from amplified sound could not be adequately mitigated on this site and considered that a one-day festival balanced the interests of the event organiser with the protection of the local community.

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 Magistrates' Court within 21 days from the date of the decision letter.

The meeting commenced at 10.00 am and concluded at 11.20 am

Chairperson