

At a meeting of the Licensing Panel held in Council Chamber, Allerdale House on Monday 22 August 2016 at 2.30 pm

## **Members**

Councillor Angela Kendall (Chair)  
Councillor Tony Annison  
Councillor Billy Miskelly

Councillor Hilary Harrington  
Councillor Ron Munby

## **Staff Present**

B Carlin, G Collinson, D Devine, C Fleming, D Fletcher, C Liddle and R Wilkinson

### **129. Election of Chairman**

Councillor A Kendall was elected Chair for the ensuing meeting.

### **130. Declaration of Interests**

None declared.

### **131. Questions**

None received.

### **132. Application for the Review of a Premises Licence - Solfest (Land at Tarnside Farm, Tarns, Aspatria)**

The Licensing and Compliance Officer submitted a report for the Licensing Panel to consider an application under section 51 of the Licensing Act 2003 to review the premises licence for PL0229 (Solfest, Land at Tarnside Farm, Tarns, Aspatria, Cumbria).

The application had been made by Cumbria Constabulary on 7 July 2016. The application's grounds for a review of the premises licence were set out in the report.

The application started a consultation process with other responsible authorities and interested parties. Relevant representations were received against the application from Environmental Health and an interested party. These representations were attached to the report as appendices C and D.

The following were invited into the meeting:

- Representatives of Cumbria Constabulary
- Interested party
- Environmental Health Officer
- Premises licence holder/designated premises supervisor
- Director of Solfest

The Licensing and Compliance Officer read through the report.

The Panel was presented with the options available to it, permitted under section 52(4) of the Licensing Act 2003:

- a) To modify the conditions of the licence;
- b) To exclude a licensable activity from the scope of the licence;
- c) To remove the designated premises supervisor;
- d) To suspend the licence for a period not exceeding three months;
- e) To revoke the licence;

The Panel noted that there was a sixth option not included in the report, which was to take no further steps to promote the licensing objectives.

The Senior Licensing and Compliance Officer tabled the following at the meeting:

- Event Management Plan (Final Draft)
- Further information received from Cumbria Constabulary

All parties were offered the opportunity to read the information at the meeting.

The representatives of Cumbria Constabulary were asked to make representation on the application. Members asked questions around the policing of the event.

The Environmental Health Officer was asked to make representation on the application. Environmental Health no longer raised objection to the premises licence, following the submission of a noise management plan.

The interested party, which consisted of two local residents, were asked to make representation on the application.

The Director of Solfest had addressed the concerns of the interested party in the newly submitted Event Management Plan.

The Director of Solfest was asked to make representation on the application. Members asked questions relating to the four licensing objectives and how the event would promote them.

The meeting reconvened after a short break.

All parties were asked to leave the meeting for the Panel to consider the application.

The Panel considered all information presented to it in the report and through all representations made at the meeting.

Members were concerned that there had been a breach of the conditions of the premises licence in that the final draft of the Event Management Plan had not been submitted within a reasonable timescale.

Councillor H Harrington moved to revoke the premises licence. There was no seconder. The motion was lost.

Members considered that had the Festival Manager and Cumbria Constabulary had better communication with each other, the application would not have been presented to the Panel.

Members considered appendix A, which set out an extract of revised guidance for reviews under section 182 of the Licensing Act 2003. Paragraph 11.17 of the guidance set out:

The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.

Councillor T Annison moved that the Panel not take any further steps to promote the licensing objectives. Councillor B Miskelly seconded.

A vote was taken; 4 in favour of the Panel not taking any further steps to promote the licensing objectives, 0 against and 1 abstention.

The motion in favour of the Panel not taking any further steps to promote the licensing objectives was carried.

The Panel agreed that the licensing authority would issue an informal warning to the licence holder in writing and would recommend improvements, with particular regard to improving communication and relationships between the licence holder and the constabulary and other relevant authorities.

The Licensing Panel was satisfied that each of the issues raised by Cumbria Constabulary and the interested party in their representations were satisfactorily addressed by the licence holder.

All parties returned to the meeting.

All parties were informed of the Panel's decision and the reasons for the decision.

All parties were informed of the right of appeal.

## **Decision**

Not to take any further steps to promote the licensing objectives.

The Panel had regard to the four licensing objectives under the Licensing Act 2003, the oral and written representations made by all parties, the Secretary of State's guidance issued in May 2015 under section 182 of the Licensing Act

2003 (in particular paragraph 11.17), the Council's Licensing Policy and Human Rights. The Panel sought to balance the interests of the licence holder, Cumbria Constabulary, Environmental Health and the interested party, and felt it was reasonable and proportionate to not take any further steps to promote the licensing objectives.

The Licensing Authority would issue an informal warning to the licence holder in writing and would recommend improvements, with particular regard to improving communication and relationships between the licence holder and the constabulary and other relevant authorities.

### **Reasons for the Decision**

The Panel made its decision having regard to the following:

- The four licensing objectives:
  - The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance
  - The protection of children from harm
- The information set out in the report by the Licensing and Compliance Officer
- The options available, as set out in the report
- The representations received from Cumbria Constabulary
- The representations received from the interested party
- The representations received from Environmental Health
- The representations received from the Premises licence holder/designated premises supervisor
- The representations received from the Director of Solfest
- The Event Management Plan (Final Draft)
- Further information received from Cumbria Constabulary

The police made representations relating to the four licensing objectives. In particular they raised concerns regarding public safety with references to security on site, inadequate fencing around the perimeter and vetting of individuals. In response the licence holder advised the Panel of the details regarding security staff, explained that he had previously completed a site visit with the police in which they had walked around the perimeter fence and confirmed that they were satisfied that it was adequate and explained that, where relevant, staff and volunteers were subject to DBS checks.

The police confirmed that at the time of the meeting they had received the updated Event Management Plan from the licence holder.

With regard to the representations from the police regarding the Event Safety Group meeting and table top exercise in July 2016 which the licence holder failed to attend, the Panel were advised that the licence holder (together with the Fire Service) gave advance notice that they were not available to attend that meeting and that no subsequent alternative arrangements were made.

Environmental Health confirmed that they had no concerns regarding the premises licence.

In response to the interested party's representations regarding traffic and the pedestrian crossing which had been created without permission at previous events, the licence holder confirmed that they had amended the traffic management plan to address those concerns and that the pedestrian crossing would not be in place.

The Licensing Panel were satisfied that each of the issues raised by the police and the interested party in their representations were satisfactorily addressed by the licence holder and that it was not necessary to take any formal action to further promote the licensing objectives.

### **Resolved**

That no further steps be taken to promote the licensing objectives.

**The meeting closed at 4.45 pm**