

At a meeting of the Licensing Panel held in Council Chamber - Allerdale House, Workington on Thursday 12 September 2019 at 10.00 am

Members

Councillor Allan Daniels
Councillor Elaine Lynch

Councillor Peter Gaston

Staff Present

D Fletcher, L Jardine and J Morgan

148. Election of Chair

Councillor Peter Gaston was elected chair for the ensuing meeting.

149. Declaration of Interests

None declared

150. Questions

None received

151. To consider representations received in relation to an application for a premises licence.

The Licensing and Compliance Officer submitted a report to consider representations received in relation to an application for a premises licence.

The report concerned an application for a premises licence for Tarnside Farm, Tarns, Silloth, CA7 4NQ.

The applicants were William Wilson Wise and Lynn Wise.

The Licencing and Compliance Officer answered questions from the panel, confirming that the premises license can be granted without a Designated Premises Supervisor, the officer also clarified that this application should be dealt with on its own merits.

The Applicants, Mr and Mrs Wise provided their representations.

Mrs and Mrs Wise advised the panel that a festival has been operating for 15+ years on the application site and that the venue is geared for holding events, they also stated that all obligations had been met and that the site has utilities, and acceptable egress and access from four separate points.

Mrs Wise went on to explain that the plan was to initially hold one large event, which would be a less intrusive, small, family friendly and well run event. In

addition the site would also accommodate smaller charity style events, events which would normally require temporary event notices, not premises a licence.

Mrs Wise then advised the panel that she had a professional background with the Police with strong links to the local area. She is also an active volunteer in the community, volunteering with the rotary group and as a school governor.

Members asked questions on the applicants, Mr and Mrs Wise clarified to members that the intention was to host one large music event and four smaller events each year. The intention is also to host the events within a six month period, ideally during the summer months.

Following questions relating to an event management plan – the applicant confirmed this would be produced and by an experienced team but that currently a plan was not in place. An experienced events team and traffic team are in however in place.

In relation to security, the applicant confirmed that security would be on site 27/7 and would be SIA qualified as is standard. They also confirmed that first responders and a welfare team would be on site during events.

Members then queried the emergency access; it was clarified that this would be separate from public access.

Members were concerned that some of the applicant's plans (such as event management plan) were not included with the application. In response the applicants advised that the application had all the adequate information as required and they had consulted the Licencing team prior to making the application.

The Licensing and Compliance Officer then clarified to members the issues and delays with the application and acknowledged this was due to Officers rather than the applicant.

The applicant then explained the history of the application. The original premises Licence was held by Concentrix Design and as the application to transfer this application to them would have be refused by Police and Cumbria County Council, this is why the License was surrendered and a new premises Licence application had been made.

The Licensing and Compliance Officer advised that before the application was made, she provided advice on the implications of both a new application and a transfer/variation of the existing license. Clarifying that the decision to proceed with a new application was a decision made by the applicant.

The applicant stated that they disagreed with this statement, as they believe they were advised to make a new application.

The history of the existing premises licence was then explained to members, including confirmation that the existing licence could only be held by a professional event management company; this has been the case since 2017.

The panel then heard the representations from residents who had submitted their objections.

Objector IP01 had concerns over noise, car parking, public nuisance, public safety, theft and lack of sufficient lighting at the site. The objector based these observations on previous festivals/events held at and in the vicinity of the application site.

Objector IP02 advised that they had negative experiences with previous festivals in the area of the application site; specifically they shared issues with public nuisance and disorder, traffic and the close proximity of the site to their dwelling. The objector also had concerns for the safety and security of the public and that the licence application was too vague. Objector IP02 also suggested some conditions to mitigate concerns including restricting the number of festivals, excluding winter festivals, restricting access from Quarry Lonning and that the licence should not be transferrable.

Objector IP03 also shared previous experiences of festivals in the area, stating that they have a significant impact on daily life. The objector presented maps/plans to members asking why the festival had to be so close to his residence. In relation to property, the objector advised that the number of festivals in close proximity to his residence will have an adverse effect on his property value. The timing of the festivals was also a concern as currently no dates have been provided for any event. Further to these concerns the objector felt that the 3am finish was too late, and that the application lacked a detailed event and noise management plan.

The objector went on to explain that they had concerns over crime and disorder, drug and alcohol abuse and the lack of public engagement shown by the applicants.

The applicants provided a response to each objector, Mr Wise also clarified that this application is not for Solfest but for a new non-profit community event which will be properly managed. Mr Wise also explained that his involvement in previous Solfest events was purely related to infrastructure, and he did not make any decisions.

The applicants further explained that in relation to traffic, sufficient access and egress is provided as well as adequate parking spaces. The applicant also clarified that to improve safety and reduce public nuisance, pyrotechnics would not be permitted on the premises, and that a duty manager contact would be made available for residents. The applicant's also clarified previous comments in relation to security advising of the presence of SIA trained security personnel and reminded the objectors to call emergency services as usual if they observe criminal activity.

The applicants advised that detailed plans such as noise management and event planning would be included prior to the event; however for this application they provided the information that was required. It was also confirmed that the proposed events would not be held on the same date as other events/festivals.

The applicant however could not confirm the dates of the events or guarantee that at least 200 meters would separate neighbouring properties from the application site.

The sale of alcohol would be managed with the challenge 25 policy and that intoxicated attendees would be remain on site for their own safety.

Following the applicants responses to the objectors, the Licensing and Compliance Officer explained to members that any alleged poor management of previous festivals cannot be considered within this application.

All parties then had the opportunity to ask any further questions and to summarise any points they had raised.

The applicants reiterated that any negative experiences of Solfest should not be considered with this new application; however the applicants assured that any festival held will be more responsible than Solfest.

All parties were then asked to leave the meeting for the panel to consider the application at a later date.

The Panel reconvened and considered all information presented to it in the officers report, the additional papers provided and the representations provided at the meeting.

Councillor Allan Daniels moved the motion to refuse the application for a the premises licence

This was seconded by Councillor Elaine Lynch

A vote followed, 3 voted in favour of the motion, 0 against and 0 abstentions.

The motion was carried.

Resolved

To refuse the application for a premises licence

Reason/Decision

In reaching its decision, the Panel considered the Statement of Licensing Policy, the Licensing Act 2003, the Regulations made thereunder and the Guidance issued by the Secretary of State under s182 of that Act. In discharging its functions, the Panel did so with a view to promoting the licensing objectives which are the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

The Panel sought to balance the interests of the applicant and the interested parties in making their decision.

Having considered all of the evidence put before it, the Panel has decided to refuse to grant the Premises Licence under the Licensing Act 2003 in respect of Tarnside Farm, Tarns, Silloth, Wigton, CA7 4NQ.

The Panel's decision was based on issues raised concerning the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

The Panel heard from the applicant who asked that the following points be considered:

- A festival has been held on their land for 15 years.
- That the Panel does not take into account what has gone before regarding Solfest as this is a separate festival.
- That they essentially hope to have one large event and four smaller events. The applicant stated that the larger event would be a music event and that the four smaller events would host less than 500 people, an example of which would be a dog show, and that these could effectively be dealt with by way of temporary event notices (TENs).
- That they have an experienced team of people including Ben Parkinson and Helen Blake. The applicant stated Ms Blake has had extensive involvement with festivals, mainly around traffic management.
- That they are very involved with the local community, e.g. the Rotary, being a governor at a local school and in a previous role as PCSO for Silloth. The applicant stated that they helped to organise Silloth Pride and that they have organised many events.
- That they intend the larger event to be a family friendly festival.
- That they have an Event Team and a Traffic Management Team.
- They do not yet have an Event Management Plan (EMP) in place but have agreed with the police and Environmental Health that they will work towards it.
- That they intend to have a qualified SIA team. They do not have numbers yet, but intend the team to work 24 hours per day during the events.
- That they intend to have a traffic management team and plan.
- That they intend to have PAT testing.
- That they intend to have a phone number for complaints.
- That they intend to have sound monitoring.
- That they intend to have 'welfare people'.
- That they intend to have First Responders.
- That they have a safety lane, roadways, hard standing and four exits already.
- That they are not Solfest and that they think that Solfest was completely mismanaged.

The Panel considered the issues raised by residents IP01, IP02 and IP03, and considered only the matters raised by them which linked to the Licensing Objectives, for example they did not take into account the impact on house prices.

The Panel heard from local resident IP01 who expressed concern about noise, people walking along a 60mph road from Aspatria to Silloth, cars parking away from the site in lanes nearby, the fact that the area is badly lit, and the fact that they had concerns about the safety of their property because during a previous event in the proximity, they had had two chairs stolen from their property which was unreported.

The Panel heard from local resident IP02 who expressed concern about noise from people and vehicles during set up, clean up and during the festival itself, issues with previous events whereby people urinated on their property, a young person collapsed in their garden, people knocked on the door, someone was in their garden, people were playing 'knock and nash', the fact that they do not feel that they can leave their property for the weekend, they do not feel their property is safe, they would like the numbers restricted for the events, they would not be happy with any events over the festive period and that they would only want access from the B3501, not Quarry Lonning or the field opposite Sycamore House. Concerns were raised regarding the four exits mentioned. Resident IP02 also said that they did not want it to be a transferable licence, that they need plenty of notice of the dates so that they know where to put crops and stock, they want an official channel for communication with residents, want a 200m clear space between their property and the boundary, wants no pyrotechnics, wants a restriction of music to 12am, and wants regular meetings with them and Councillors.

The Panel heard from local resident IP03 who expressed concern about public nuisance by way of noise until 3am, the fact that there was no clarity regarding when the larger event was to be held, whether the larger event would be held at the same time as another event, the fact that they felt housebound when previous events have been on in the proximity because they are worried about the safety of their property, why there was no EMP in place, who was on the Events Management Team (EMT), how it could be that the residents could not scrutinise the EMP, whether there would be regular noise monitoring before and during the festival, whether they would reduce the time from 3am to 12am for music, whether the Licensing Authority could insist that the licence is held by a Professional Events Management Company, whether it was appropriate that the proposed Designated Premises Supervisor (DPS) had not been a DPS previously, whether there would be any limits on the amount of alcohol served, whether there would be a drugs dog, whether there could be 24 hour policing, what the applicant would do if people were intoxicated and whether they could move the site boundary away from properties.

Other concerns were raised around whether a separate festival could be held at the same time. The Panel must consider the current application on its own merits and did so.

The Panel took into account the applicant's responses to the concerns raised by the residents:

- The applicant stated that they would not reduce the time of the licence from 3am.

- The applicant stated that they could not specify dates of the events, but that they would be some time in the summer months.
- The applicant stated that they could not guarantee that they would not hold an event over the August Bank Holiday.
- The applicant stated that they would not hold an event at the same time as another one was on in close proximity.
- Quarry Lonning would only be used for emergency vehicles.
- The applicant said they could not guarantee a 200m clear space between the residents' properties and the boundary of the plan for the premises licence.
- The applicant will not allow pyrotechnics or fires.
- The applicant stated that he had not had any kind of management role and had not been involved with making any decisions for Solfest, and had been involved purely with infrastructure. He also stated that he owned the land. Following the hearing, additional information was received regarding the applicant's role with the Solfest Committee, which was responded to by the applicant. The Panel has considered both the information submitted and the response from the applicant.
- The applicant would have responsible drinks promotions and Challenge 21 and Challenge 25 policies in place.
- Policing would not be 24 hours, but security would.
- They could not guarantee a drugs dog.
- If people were intoxicated, they would keep them on site for their own safety.
- The applicant talked about amnesty bins for drug removal and storage.
- The applicant did not want to be considered as having anything to do with the alleged mismanagement of the Solfest event. The Panel is mindful of the limited role the applicant had in respect of Solfest.

The Panel took into consideration the work that had been carried out in liaising with the Responsible Authorities and the proposed conditions which had been subsequently agreed by the Police and Environmental Health.

In making its decision, the Panel considered all of the representations made and the following reasons are given for refusing to grant the premises licence:

- The application does not contain sufficient detail to persuade the Panel that the Licensing Objectives could be promoted.
- There is no associated paperwork in the form of an Event Management Plan or any of the documents that the Panel would expect to see with this. Whilst the Panel would not necessarily expect to see completed documents at this stage, it would expect to see a far higher level of detail around the organisation than has been presented.
- The applicant who advised that he intends to be the Designated Premises Supervisor has not previously held this role and therefore has limited experience of such a role.
- A similar event was held in the proximity which was reviewed on two occasions and ultimately resulted in the requirement for a professional events management company to hold the licence. Whilst the Panel is

not attributing any mismanagement of the other event to the current applicant, events of this size on the current land have not been without issue in the past and in this case, less information has been given as to how to mitigate any risks.

- The Panel does not have the confidence that the application in its current form would promote the Licensing Objectives, as it has very little detail and a lack of specificity.
- There is no traffic management plan in place, which does not promote the public safety objective.
- To grant the licence in its current form, there is no detail as to the number and size of events that could be held. When considering whether a condition could be applied as to the number and size of events, the Panel felt that there was insufficient detail as to when these events would be held.
- There is no certainty as to when the dates of the events will be, or whether they will be held at the same time as other events.
- The Panel would expect that the EMP and other associated documents would be firmly in hand, if not finalised by this stage.
- Whilst conditions have been agreed with the Responsible Authorities, the Panel felt that there was insufficient information presented about the nature of the events to ascertain whether these would be appropriate. There are also concerns about the level of detail in the conditions themselves.
- There was no clear site plan as to where each part of the site would be, e.g. camping, music, parking, toilets etc. Consequently, it is impossible to determine whether the licensing objectives would be met in respect of issues such as noise, safety, protection of children etc.
- Whilst the applicant proposed to have 24 hour security, there is no detail as to the number of SIA officers who would be present or information about their roles.
- There are concerns from a public nuisance perspective about the level of detail in the plan presented with the application, both in respect of proximity to the residents' premises and in respect of traffic management.
- The Panel considered carefully whether the application could be granted with the imposition of a number of stringent conditions, however due to the lack of detail contained within the application (as outlined above) and in particular the limited information about the nature of the events and certainty as to dates, the Panel was of the view that the licensing objectives would not adequately be promoted.

Any party to the proceedings who is aggrieved by the decision of the authority has the right to appeal to the Magistrates Court within 21 days of receiving written notification of the decision.

The meeting closed at 1.00 pm