

At a meeting of the Licensing Panel held in Zoom Virtual Meeting on Friday 12 March 2021 at 1.00 pm

Members

Councillor Malcolm Grainger
Councillor Alan Smith

Councillor Adrian Kirkbride

Staff Present

D Fletcher, L Jardine and J Morgan

364. Election of Chair

Councillor Kirkbride was elected as Chair for the ensuing meeting.

365. Declaration of Interests

None declared

366. Questions

None received

367. Land at Holly House, Goodyhills, Mawbray, Maryport

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

The application related to the area of land known as 'Land at Holly House', Goodyhills, Mawbray, Maryport and camping fields on the adjacent land at North Lakes Country Park, Tarnside, Silloth.

The application is for a music festival running over the bank holiday weekend and consistent to the previously approved licence of Solfest. This licence is to move the premises across the road. The festival site is comprised of camping (land at North Lakes Country Park) and the adjacent arena field (Land at Holly House, Goodyhills). The event will be managed and governed in accordance with the Solfest 2019 Event Management Plan.

The applicant was Simon Kay.

The Licence application was for the supply of alcohol on and off the premises, for regulated entertainment (Plays, Films, Live Music, Recorded Music, Performances of Dance and anything of a similar description) from Thursday 6pm – Monday 4pm and for Late Night Refreshment from Thursday at 11pm – Monday 5am.

Members were advised that the applicant wanted to duplicate conditions from the 2019 licence. Cumbria Constabulary requested an additional condition relating to Covid 19 Control.

A representation were received in respect of the application. Officers confirmed that one of the issues raised in relation to frequency of the event (one per annum) had been resolved and if required this would be added as a condition.

Members were then advised of the options available and that they were to decide in line with the licensing objectives.

The Applicant (Mr Kay) made representations, explaining the background to the application then responded to concerns raised in the representations.

Regarding litter, Mr Kay explained that the event has dedicated cleaning teams and that if any litter was reported at the 2019 event, it was cleared within the hour. In response to traffic concerns, the event traffic plan has been assessed and approved by the Highways Authority and Cumbria Constabulary.

In response to noise concerns the applicant advised that throughout the previous event the volume on site remained under 68 decibels, this was monitored by the Councils environmental health teams. Mr Kay also advised that in relation to Covid 19, the event will only run if it is safe to do so and within the government guidelines at that time.

Mr Kay then answered questions from members in relation to signage, noise, nuisance, alcohol/ drugs and communications.

In relation to drugs and alcohol, Mr Kay explained that all staff are well trained and in 2019 several test purchases were carried out and in all cases the underage customer was refused sale. Mr Kay also went on to explain the role of the duty manager in managing the safe running of the festival, advising that on occasion they may not have been contactable as they were patrolling site or dealing with enquiries. Members suggested that perhaps a second or a dedicated customer contact line could be introduced rather than one single point of contact. Mr Kay was receptive of this suggestion and would implement if needed.

Regarding signage, Mr Kay advised that when signs are reported as damaged or removed they are quickly replaced. The roads surrounding site are a voluntary one-way system and local residents are given priority over visitors to the festival, the one-way system however is not enforceable.

The Licensing and Compliance Officer then asked the applicant about community engagement. Mr Kay explained that he is planning on visiting a meeting of the Parish Council to take questions and resolve any queries.

The Licensing and Compliance Officer also advised that for the 2019 event, the Licensing Department offered a communication channel for local residents to share concerns and queries, these were then relayed to Mr Kay to ensure any issues were resolved.

Mr Kay then advised that all objectors from 2019 had not made any representations to this application, demonstrating that he had listened to residents' concerns.

The meeting was then adjourned for member deliberations.

The meeting then resumed to allow the panel to ask further questions of Mr Kay in relation to Traffic Management and the 24-Hour Telephone Line.

The meeting was again adjourned for further member deliberations.

The panel considered all information provided including the representations from objectors and the applicant and the information set out in the report by the Licensing and Compliance Officer.

Councillor Smith moved the motion to grant the Licence with a further condition be added to require the applicant to locate the 24-hour telephone line in the site office for the duration of the event, to ensure that it could be answered promptly.

This was seconded by Councillor Grainger.

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

The motion was carried.

Reasons/Decision

In making its decision, the Panel had regard to the four licensing objectives under the Licensing Act 2003, in particular public safety, the prevention of crime and disorder and the prevention of public nuisance. The Panel also took into account the relevant representation, representations received from the applicant and the information set out in the report by the Licensing and Compliance Officer. In addition, the Panel took into account the additional condition requested and agreed with the police in respect of Covid-19 mitigation. The Panel also had regard to the advice provided by the Legal Officer.

The Panel considered the Secretary of State's guidance under section 182 of the Licensing Act 2003, the Council's Licensing Policy and Human Rights.

The Panel sought to balance the interests of the residents and the licence holder. The Panel considered the resident's representation in full. The Panel noted that Environmental Health agreed that the conditions were sufficient to promote the licensing objectives. The Panel also noted that an additional condition had been agreed with the police in respect of Covid mitigation as outlined in paragraph 4.9 of the officer's report.

The Panel had concerns about the 24-hour telephone line which was made available to the public as it was reported that this was not always available at the time of the 2019 event.

The Panel considered the options available to it, which were:

- a) To grant the licence subject to the conditions mentioned in the operating schedule modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and any mandatory condition.
- b) To exclude a licensable activity from the scope of the licence

- c) To refuse to specify a person in the licence as the designated premises supervisor

- d) To reject the application

The Panel felt that it was reasonable and proportionate to grant the licence subject to the conditions as presented in the operating schedule, the additional police condition agreed in respect of Covid-19 mitigation and any mandatory condition which must be included in the licence.

The Panel requested that a further condition be added to require the applicant to locate the 24-hour telephone line in the site office for the duration of the event, to ensure that it could be answered promptly. The applicant indicated that he was agreeable to such a condition if the licence was granted.

If any party was aggrieved by the decision, they were advised of the right to appeal to the Magistrates Court within 21 days of receiving written notification of the decision.

The meeting closed at 2.40 pm