

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **LICENSING SUB-COMMITTEE A** held on 5 August 2016 at 11.00 am

Present Councillors

D R Coren, Mrs G Doe and J L Smith

Apologies Councillor(s)

Mrs F J Colthorpe

Also Present Councillor(s)

C J Eginton

Also Present Officer(s):

Simon Johnson (Legal Services Manager), Thomas Keating (Lead Licensing Officer), Julia Stuckey (Member Services Officer) and Ian Winter (Environmental Health Officer)

1 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr Mrs F J Colthorpe who was substituted by Cllr Mrs G Doe.

2 CHAIRMAN

RESOLVED that Cllr D R Coren be elected as Chairman of the Sub Committee for the meeting.

Cllr Coren then took the Chair.

3 DETERMINATION OF A TEMPORARY EVENT NOTICE FOR A 'PRIVATE EVENT WITH CAMPING' NEAR WASHFIELD WEIR, BOLHAM, TIVERTON

Consideration was given to a report * from the Licensing Officer regarding determination of a temporary events notice for a 'private event with camping' near Washfield Weir, Bolham, Tiverton.

The Licensing Officer explained that this hearing was to consider objections to a standard TEN (Temporary Event Notice). The TEN was submitted electronically by Mr Josh Sasanow (the 'premises user') on 20 July 2016. The TEN submitted did not include details of the number of people attending and as a result it was not accepted on the initial date of submission.

The premises user confirmed on 24 July 2016 that there would be no more than 499 people on site at any one time. As a result of this confirmation, the TEN was considered submitted correctly on 24 July 2016.

The event was described as a 'private event with camping'. It was to be held at fields near Washfield Weir, Bolham, Tiverton.

As the TEN was submitted electronically it was automatically forwarded to the Police and Environmental Health by the Licensing Authority. The Police and Environmental Health both submitted objection notices within the prescribed period.

The Licensing Officer had attempted to make contact with the applicant by telephone and email but had received no response since the original email confirming the number of people on site. The applicant was not in attendance.

Lesley Carlo (Police Licensing Officer) and Mike Warriner (Police Sergeant) were present to represent the Police. The Police Licensing Officer referred the Committee to posters that had been circulated regarding the event. These clearly indicated that this was not a private event as tickets were for sale and early bird offers had been promoted. Internet research had revealed that the applicant was a regular event promoter, that this event could be well attended and that it would be attractive to young people. The Officer confirmed that the landowner had not given permission for the event to take place. It could not be confirmed whether or not the site met licence objectives due to the lack of information provided.

Information that was outstanding included:

- Clarification of the numbers that might attend;
- How identification would be checked to ensure that only over 18's accessed the site;
- Steps taken to prevent the sale or supply of drugs;
- Procedures to safeguard those leaving the event, either voluntarily or those being removed by the organisers;
- The event was accessed via the A396 which was a national speed limit road with no street lighting or footpaths.

The Officer highlighted areas of concern:

- The River could not be fenced for the entire length and the water levels could get much faster and rise substantially in wet weather conditions. There were no processes in place to prevent access to the river by the public, who may be under the influence of drink or drugs. The river could also be used as a point of access to the event for those without tickets.
- The road was a main 'A' road with the national speed limit. The Highway Authority had advised that they would require a Temporary Traffic Restriction Order for the layby that provided access to the site. No application had been received for this. Other concerns were the potential for smoke and lighting distractions next to a main road, the parking of vehicles along the road, the lack of provision for drop off points, pedestrians using the road, the potential for those without tickets to look for potential access to the site along the main road and the lack of information regarding which access point would be used;
- The lack of a designated area for evacuation;
- Noise issues;

- Possible child exploitation issues;
- Public liability insurance would not be valid without the permission of the landowner;
- No registered security had been identified within the risk assessment;
- The lack of information regarding the prevention of the use and sale of drugs.

Ian Winter (Environmental Health Officer) informed the Committee that he shared the concern of the Police regarding the river and had asked the applicant what would be done to mitigate this risk. He had stated that Heras fencing would be used but this was not considered to be sufficient and gave further concerns regarding lighting and the use of generators. There was also a pond within the area which could be a risk.

The officer provided information regarding noise levels that could be expected from the site and confirmed that the estimated decibels from the centre of the site would be considered to be a statutory nuisance for neighbouring properties. Within the risk assessment the applicant had proposed the use of straw bales to control sound but these gave further risks such as falling over and fire.

Members of the Sub Committee withdrew to consider their decision.

It was **RESOLVED** to refuse the temporary event notice and issue a Counter Notice:

Reasons given were:

Lack of information provided by means of risk assessment

A very generic risk assessment was provided stating what would be done but not how they were going to achieve it and no event management plan had been submitted

The committee was not satisfied that the Premises User had met the licensing objectives regarding:

Prevention of Crime and Disorder

- Control of drugs and alcohol entering and being used within the site and the lack of evidence as to how the zero tolerance stated in the risk assessment would be implemented;
- Potential public disorder and nuisance to surrounding properties by the easy access to back gardens along the river;
- Containment of the site, how to prevent access for those without tickets and with criminal intent;
- No safe detention provision for those that needed to be removed from the site.

Public Safety

- Safety of the attendees within the site from the proximity of the river and weir, access points from the A396 for attendees and the general public using the road, safety of pedestrians using the main road and the provision for car parking

Public Nuisance –
Noise to neighbouring properties from the stages, generators and light pollution

Protect Children from Harm

It was to be an over 18 event but the site was not containable, access to the site could not be controlled

No Confidence in the Premises User

There had been a lack of information supplied on the TEN and risk assessment. The premises user had not been contactable and had not returned calls and emails from the Licensing Officer

Location of Premises

The premises user had not specified the layout or location of the venue within the fields.

The Committee did not accept that this was a private event and had concerns regarding the 499 person limit due to the nationwide advertising and tickets sales that had taken place.

Objections raised by the Police and Environmental Health were accepted in full without equivocation.

The committee had taken due notice of the councils licensing policy and the statutory guidance as referred to in the officers report. The decision had been made in line with the policy and guidance and the Committee had accepted the advice of the Police for issues regarding crime and disorder and Environmental Health for issues regarding noise and public nuisance.

Local knowledge had been taken into account in arriving at this decision.

(Proposed by the Chairman)

Note: - (i) Report * previously circulated and attached to the Minutes.

(ii) Cllr J L Smith declared a personal interest as he had friends that lived near to the proposed site.

(The meeting ended at 1.00 pm)

CHAIRMAN