

LICENSING SUB-COMMITTEE

MINUTES OF MEETING HELD ON THURSDAY 5 AUGUST 2021

Present: Cllrs Susan Cocking, Les Fry and Brian Heatley

Officers present (for all or part of the meeting):

Lara Atree (Senior Lawyer - Regulatory), Michael Hale (Senior Technical Officer), Roy MacLeod (Licensing Officer), Aileen Powell (Team Leader Licensing) and Denise Hunt (Democratic Services Officer)

Also present:- Sergeant Gareth Gosling and Louise Busfield – Dorset Police Licensing (for Agenda Item 5 – Objections to Temporary Event Notices)

37. Election of Chairman and Statement for the Procedure of the Meeting

Proposed by Cllr Brian Heatley, seconded by Cllr Susan Cocking.

Decision: That Cllr Les Fry be elected Chairman for Item 5 on the agenda – Objections to Temporary Event Notices.

38. Apologies

No apologies for absence were received at the meeting.

39. Declarations of Interest

No declarations of disclosable pecuniary interests were made at the meeting.

40. Urgent Items

There were no urgent items.

41. Objections to Temporary Event Notices

The Licensing Team Leader introduced the report concerning 2 objections to a Temporary Event Notice (TEN) for an event at Pilford Farm near Wimborne called the Multiverse Festival. The objection notices had been sent by Environmental Health and Dorset Police.

The TEN applied for was to permit the sale of alcohol, regulated entertainment and late-night refreshment during the following times:

Fri 03 September 2021; 12:00 – 05:00

Sat 04 September 2021; 12:00 – 05:00

Sun 05 September 2021; 12:00 – 03:00

She confirmed that the applicant had not responded to e-mails sent by the Licensing Team and that they had not been notified that the event had been cancelled as suggested on the event Facebook page.

The Environmental Health Officer stated that the TEN described a 4 day family camping event which was not compatible with the event timescales and the very long periods of time to play music represented a significant music festival. He advised that noise complaints had been received in relation to previous music festivals that had also been described as family events.

He had informed the applicant that the format was unacceptable and would cause noise nuisance. However, the response from the applicant had not provided a noise management plan and only outlined the use of hay bale walls which had been lifted directly from another website.

A map included in a supplement to the agenda, showed hundreds of properties within the surrounding area and it was his view that the chances of the event causing a nuisance was significant given the proposed timings.

There were no questions of the Licensing Team Leader or Environmental Health Officer.

Sergeant Gareth Gosling stated that the proposed timeframes were not conducive to a family event and would create crime and disorder if not properly managed. There had been no additional assurance from the applicant in relation to the security and welfare of attendees, traffic management or mitigating any negative aspects arising from the event. There had also been no engagement with the Safety Awareness Group (SAG) or Dorset Police and the applicant was not present at the hearing to provide any assurance. He therefore asked that the event was not given permission to proceed on that basis.

The Chairman asked whether it was usual for a TEN to be submitted without evidence such as a Traffic Management Plan and was advised that, although this was not unusual, there was an expectation that the applicant would engage with the SAG and officers to ensure a safe event. There was plenty of information on the website to outline what was required.

The Sub-Committee noted that no detail had been provided in the TEN or on the Facebook page with regard to family activities, and that the original advertisement was for 500 tickets, which superseded the maximum required of 499 people including staff and performers.

Sergeant Gosling stated that even the most experienced operators were grateful for the input of responsible authorities and to learn lessons and improve safety year on year.

The Sub-Committee retired to make its decision.

Decision: That a Counter Notice be issued.

Reason for Decision

The Sub-Committee carefully considered all of the documents presented to it, and the oral statements made by the parties attending the hearing. They had regard to the four Licensing Objectives, the Section 182 Statutory Guidance and the Dorset Council Statement of Licensing Policy 2021-2026.

The Applicant did not attend the hearing.

The Sub-Committee heard from the Environmental Health Officer, who stated that an objection notice had been submitted because he considered that the event would be likely to cause a public nuisance, in relation to noise. The Environmental Health Officer said that the timings of the event were of concern, given that the event would be of significant duration, over consecutive days and would operate until 05:00 on two days and 03:00 on the final day. He stated that there were numerous residential dwellings close by, but Mr Taylor had not submitted a noise management plan to address the potential for issues relating to noise. The Environmental Health Officer explained that although the TEN had described the event as being a 'family camping event,' it appeared to be more like a music festival with two stages and music until the early hours of the morning. He believed that due to the duration of the event, its timings and the proximity of neighbours, it was likely that noise would be an issue and as no formal noise management plan was in place to demonstrate how those issues would be dealt with, it was his view that the licensing objective of the prevention of public nuisance would be undermined if the event went ahead.

The Sub-Committee heard from representatives from the Police who stated that they had served an objection notice because the timings of the event, with finishing times of 05:00 and 03:00, over consecutive days, had raised concerns. In particular there was no formal plan submitted to show how the organiser of the event would ensure that it was a safe event for those attending, and how the potential for crime and disorder would be addressed. It was not uncommon for discussions to take place between the Police and person applying for a TEN of this nature, but in this case, there had been no engagement from the notice giver. The Officers asked the Sub-Committee to reject the application on the grounds that to permit the event would undermine the licensing objective of the prevention of crime and disorder.

The Sub-Committee determined that it was appropriate for the promotion of the Licensing Objectives, in particular the prevention of public nuisance and the prevention of crime and disorder, that a Counter Notice should be issued. The Sub-Committee were concerned about the potential for noise nuisance for those people living close to the venue, especially as the event was to take place over three consecutive days and run to the early hours of the morning (05:00 and 03:00). The Sub-Committee considered that to allow the event to go ahead without a noise management plan to address the potential noise issues and a proper plan to set out how issues relating to crime and disorder would be dealt with, would undermine the licensing objectives of the prevention of public nuisance and the prevention of crime and disorder.

The decision would be sent to all parties within 5 working days and all parties had the right to appeal the decision to the magistrates' court within 21 days.

42. **Application to Vary the Premises Licence for the Crown Hotel, Marnhull**

This item had been withdrawn prior to the sub-committee meeting.

43. **Exempt Business**

Proposed by Cllr Les Fry, seconded by Cllr Brian Heatley.

Decision: That the press and the public be excluded for the following items) in view of the likely disclosure of exempt information within the meaning of paragraph 1 of schedule 12 A to the Local Government Act 1972 (as amended).

44. **New Private Hire Driver Application**

Proposed by Cllr Les Fry, seconded by Cllr Brian Heatley.

Decision: That Cllr Susan Cocking be elected as chairman for this application.

The sub-committee considered a report to determine whether an applicant for a private hire drivers' licence was a fit and proper person to hold the licence following a conviction on the Disclosure and Barring Service Certificate.

The Licensing Team Leader presented her report.

The applicant was subsequently invited to put their case forward and all parties were given the opportunity to ask questions of each other and to sum up.

The sub-committee retired to make its decision.

Decision: To GRANT the application for a Private Hire Drivers' Licence.

45. **New Private Hire Driver Application**

Proposed by Cllr Susan Cocking, seconded by Cllr Brian Heatley.

Decision: That Cllr Fry be elected as chairman for this application.

The sub-committee considered a report to determine whether an applicant for a private hire drivers' licence was a fit and proper person to hold the licence after multiple offences were revealed on the required Disclosure and Barring Service Certificate.

A number of character references had been circulated to the sub-committee prior to the meeting in addition to a further reference submitted that morning.

A referee also attended the hearing in support of the applicant.

The Licensing Team Leader presented her report.

The applicant was invited to present their case.

All parties were given the opportunity to ask questions of each other before summing up and the sub-committee then retired to make its decision.

Decision: To REFUSE the application for a Private Hire Drivers' Licence.

Duration of meeting: 10.00 am - 12.25 pm

Chairman

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