

# LICENSING SUB-COMMITTEE

## MINUTES OF THE MEETING HELD ON FRIDAY, 23 SEPTEMBER 2016

**Councillors Present:** Billy Drummond, Tony Linden and Quentin Webb (Chairman)

**Also Present:** Anne Marie Baird (Solicitor) and Amanda Ward (Licensing Officer) and Jo Reeves (Policy Officer)

### PART I

#### 1 **Declarations of Interest**

Councillor Quentin Webb declared a personal interest in Agenda item 4(1). As his interest was personal and not prejudicial he was permitted to take part in the debate and vote on the matter.

#### 2 **Application No. 16/01174/LQN - Recreation Ground, Recreation Road, Burghfield Common**

*(Councillor Quentin Webb declared a personal interest in Agenda item 4(1) by virtue of the fact that Thames Valley Air Ambulance was his chosen charity as Chairman of the Council. He also declared that he had resided at a property neighbouring Burghfield Common in the past which was previously in the ownership of his then parents-in-law who were now deceased. As his interest was personal and not a Disclosable Pecuniary or Other Registrable Interest he was permitted to take part in the debate and vote on the matter).*

The Sub-Committee considered a report (Agenda Item 2(1)) concerning Licensing Application 16/01174/LQN in respect of an application to allow the sale of Alcohol and performance of live and recorded music for events to be run at the Recreation Ground, Recreation Road, Burghfield Common.

Councillor Quentin Webb noted that Councillor Manohar Gopal had been listed in the agenda as a substitute for the Sub-Committee but was no longer able to attend due to unforeseen circumstances.

In accordance with the Council's Constitution, Amanda Ward (Licensing Officer, West Berkshire Council), Mr Glyn Townsend (Applicant) and Mr Steve Badger and Mr Norman Larkin (Objectors) addressed the Sub-Committee on this application.

Ms Ward, in addressing the Sub-Committee, raised the following points:

- West Berkshire Council Licensing received an application made under S17 of LA03 for a premises licence to be granted for the Recreation Ground, Burghfield Common RG7 3EN.
- The application was accepted on 5 August 2016.
- The responsible authorities, Parish and Ward Councillors and Members were served with a copy of the application by email on 8 August 2016.
- Details of the application made were as follows:

Premises Licence to be granted for a maximum of 3 events per year over 2 consecutive days per event, either on Friday & Saturday or on Saturday & Sunday.

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Licensable activities: Recorded Music – Fri to Sun: 11:00 – 23:00

Supply of Alcohol & Live Music – Fri: 12:00 – 23:00; Sat & Sun: 11:00 - 23:00

- A copy of the application and the plans were attached to the agenda and had been provided to all parties present.
- The 28 day consultation period ran until 13 September 2016.
- The application was advertised in accordance with the regulations with blue notices displayed at the premises (witnessed by officers on 18 August 2016) and by publishing a notice in a local newspaper Newbury Weekly News on 25 August 2016.
- During the statutory consultation period of 28 days the LA received 14 representations based on the four licensing objectives:
  1. The prevention of crime and disorder
  2. Public safety
  3. The Prevention of public nuisance
  4. The protection of children from harm
- There were no representations from Responsible Authorities.
- The Chief Officer of Police responded on 25 August 2016 and made no representation.
- Royal Berkshire Fire and Rescue Service responded on 12.09.16 and made no representation.
- The Enforcing Authority for Health & Safety at Work Act 1974 (Comm) made no representation.
- The Enforcing Authority for Pollution EQ made no representation but recommended the following condition be attached to the premises licence as part of the operating schedule should Members be minded to grant the application. The condition was accepted on 17 August 2016.

“A noise management plan shall be agreed with the Council to monitor and control noise from live and amplified music as well as other sources of noise such as generators. It shall include details of the controls to be put in place and the monitoring to be undertaken. The plan shall be implemented in full and any deviation from the plan shall be first agreed in writing with the Council.”
- The Local Planning Authority made no representation.
- Trading Standards made no representation.
- Public Health and Wellbeing made no representation.
- Local Safeguarding Children Board (LSCB) made no representation.
- A petition against the application was received on 1st September 2016.
- Following discussions with the Council’s legal team and one of the applicants (Mr Glyn Townsend) it was agreed that supplementary documents submitted on 15 September 2016 (outside representation end date) by objector John Fredericks be included for consideration by the Licensing Sub-Committee.
- There had been no formal mediation involving the Council but there had been some suggestion of informal conversations having taken place between Glyn Townsend and some objectors.

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- Objectors (Steve Badger and Ella Staneke) formally requested on 3rd September 2016 that matters be heard and decided by the Licensing Sub-Committee.

Mr Glyn Townsend, in addressing the Sub-Committee, raised the following points:

- The 'Burghfest' event would be taking place under the provision of a separate Temporary Event Notice (TEN) and the applicants had applied for the Premises License because it would allow additional powers.
- The Premises License would grant the applicants statutory powers to enforce against any nuisance or disturbance. It would also give the applicants power to remove any person consuming alcohol under the legal age.
- A Premises License would limit the number of attendees to 5,000 but the events were unlikely to attract such a number of people; the tent would not be large enough to accommodate 500.
- Much of the confusion and objections had arisen from a rush to meet the 28 day consultation period.
- There was no intention to hold three beer festivals, but there could be Summer or Winter Balls.
- The Premises License for three events would avoid the need to apply for a TEN on each occasion and would offer additional controls.
- There was no history of issues on the site.
- Any event would require the permission of the Parish Council who owned the land.
- There would be a security team and a dog unit. Appropriate insurances were in place and there was a noise management plan.
- The applicants were mindful of the need to protect children from harm. Many of the organisers were scout leaders in the community and there would be a meet-up point for children.
- The TEN would not allow the applicants to ask people to leave the site at 11pm.

Councillor Webb enquired whether the risk assessment provided in the application would be used as a template for any other events organised under the Premises License; Mr Townsend responded that it would and was based on one provided by the organisers of Mortimer Music Live. It had also been approved by the Parish Council.

Councillor Webb sought to clarify whether one marquee would accommodate the music and one would accommodate the alcohol. Mr Townsend confirmed that was the intention as it allowed greater control. In the summer months the music area might be open rather than under a marquee but canvas had no noise attenuation so would not affect the noise levels.

Councillor Webb further sought clarification on the location of the marquees in the site; Mr Townsend indicated their locations on the site plan.

Councillor Webb asked what arrangements had been made for parking away from the site. Mr Townsend explained that the original intention had been to use Firlands but this was not suitable so the village hall, Willink Leisure Centre and the public highway would be used. These were verbal agreements.

Councillor Tony Linden enquired whether the times on the Premise License were the same for the TEN. Mr Townsend advised that the Premise Licence times were expanded to facilitate afternoon events but they would finish at the same time.

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Councillor Linden asked whether the premises supervisor and personal license holder would attend the events, Mr Townsend confirmed they would.

Mr Larkin sought clarification on the position and direction of the stage. Mr Townsend indicated this on the site plan.

Mr Badger and Mr Larkin, in addressing the Sub-Committee, raised the following points:

- Mr Badger resided in one of the houses around the recreation ground and was speaking on behalf of the objectors.
- They had no objection to an event to raise money for Thames Valley Air Ambulance but did not believe that the 'Burghfest' event was suitable considering that other residents around the recreation ground were elderly.
- There had previously been anti-social behaviour issues on the Common.
- There had been no consultation by the Parish Council and the first residents knew about the event were the blue notices. The Parish Council did not have the minutes of the meeting where the event was discussed on their website. The Parish Council should represent all their residents.
- Noise levels over 60 decibels (dB) was too loud for a location entirely surrounded by residential properties.
- Objectors were concerned about littering, including plastic or glass shards and ring pulls.
- Previous users of the recreation ground had caused damage to nearby properties and it was not clear who would pay to rectify any damaged caused during the event.
- The Village Design Statement described a quiet and rural village; the proposed event would put this at risk.
- There were other locations in Burghfield that would be more suitable.
- The event was being promoted with t-shirts which read 'I got Rec'd at Burghfield Common'
- The application did not make sufficient provision for toilets and public urination was already an issue in the area.
- Mr Larkin lived less than 100 yards from the application site.
- There had been no communication from the organisers apart from the blue notices.
- His objection letter covered all of the licensing principles.
- The risk assessment stated that maximum noise would be at 103dB 50m from the source.
- The proposal to have three such noisy events per year was outrageous and should be rejected.

Councillor Drummond asked how the objectors would feel about events other than beer festivals. Mr Larkin said that he had no objection to events of the right type including those which would not include the provision of alcohol and live music. Mr Badger added that the 'Burghfest' event would cause disruption to a whole weekend.

Councillor Webb asked for a comment regarding the location of recorded music. Mr Badger reported that his objection related to the total noise produced at the event which would cause distress and disturbance to residents. Mr Townsend advised that more

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recent data advised that noise levels of 95dB at 1m from the speakers was recorded and asked if this would be more acceptable to the objectors.

Mr Larkin expressed the view that the village had already been 'stitched-up' because the event was going ahead under the TEN and there had been no opportunity to object to that. Councillor Webb responded that the Sub-Committee had heard that the consultation which had been undertaken for the Premise License, the subject of the meeting, had complied with regulations but he understood that the objectors would have liked some pre-application consultation. Mr Townsend reported that he had dropped leaflets into 75 neighbouring properties and offered his apologies to Mr Larkin that he did not receive one.

Councillor Webb stated that the process for awarding TENS was different to a Premises License.

Councillor Linden asked the applicant to respond to Mr Badger's remark about the t-shirts. Mr Townsend remarked that an individual who was not one of the organisers had produced them and he had sold four.

Councillor Webb asked if the applicants would accept a condition to site the speakers for the amplification of recorded music at the same place and in the same directions as those for the live music; Mr Townsend confirmed they would.

Mr Larkin asked for clarification on the changes to the noise levels from the risk assessment. Councillor Webb noted that the original application stated 103dB at 50m away from the source but now the output appeared to be 95dB at 1m from the source and 80dB at 50m from the source. Mr Larkin commented that this was more acceptable. Mr Townsend agreed to share the noise management plan with the objectors as he had been advised that it could not be part of the Premise License application. Councillor Webb asked that the template risk assessment note the new sound levels.

The Sub-Committee retired at 10.52 to make its decision.

Having taken the representations into account, including the written representations made by Ms Ella Staneke, Mrs Elliott, Mr Martin Kellaway, Mrs M Larkin, Mr Colin Martin, signatories of the petition submitted by Mr Patrick Foran, Ms Paula Streetfield, Mrs I Tucker, residents of 2 Oak Drive, Ms Louise Willson, Ms Georgina Fulford, Mr David Pearse, Mrs Dominique Pearse and Mr John Fredericks, the Licensing Sub-Committee **RESOLVED** that Application be granted, subject to the conditions as in the operating schedule, any relevant mandatory conditions in ss19-21 of the Licensing Act 2003 or secondary legislation and the additional conditions imposed by the Licensing Sub Committee:

1. Noise levels to be a maximum of 95 decibels at one metre from the speakers.
2. The positioning of speakers for recorded music to be cited in the same position as the amplification for live music. The amplification for live music is one speaker either side of the stage.

*(The meeting commenced at 10.00 am and closed at 10.52 am)*