

Summary of Licensing Sub-Committee Decision(s) taken on 16 November 2021

Part I

Decision Notice - Newbury Real Ale Festival (Item 3(2))

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NOTICE OF DECISION

The Licensing Sub-Committee of West Berkshire District Council met on 16 November 2021 and considered **Application No 21/00812/LQN** made by Mr. Andrew Wyper for a review of the Premise Licence issued in respect of premises known as Newbury Real Ale Festival, Land between Northcroft Leisure Centre & Newbury Cricket Club, Northcroft Lane, Newbury, Berkshire, RG14 1RS and resolved to impose new additional conditions to be attached to the Premises Licence.

In coming to their decision, the Sub-Committee had regard to the four licensing objectives, which are:

1. the prevention of crime and disorder;
2. public safety;
3. the prevention of public nuisance; and
4. the protection of children from harm.

They also considered the Revised Guidance issued under Section 182 of the Licensing Act 2003 (April 2018) and West Berkshire District Council's Statement of Licencing Policy.

The Sub-Committee heard oral representations made by:

1. The Applicant: Andrew Wyper
2. The Premise License Holder: Sara Duffield, her representative Jon Payne (Solicitor) and Edward Henstridge
3. Supporter of the Event: Melissa Hughes Newbury BID (Business Improvement District) and Tim Polack
4. The Responsible Authority: Russell Davidson on behalf of Environmental Health
5. The Ward Member: Councillor Martha Vickers (who also spoke on behalf of Newbury Town Council)

The Licensing Sub-Committee also considered the written representations made by the Applicant, the Premises Licence Holder, Environmental Health, the responses to the Newbury Real Ale Festival Survey October 2011 Community Consultation and the written representations made in support of the review and those in support of the Premises Licence Holder. Those documents were exhibited as Appendices 2 to 6 of the agenda pack.

The Licensing Sub-Committee also considered the proposed additional conditions which the Premises Licence Holder applied to be included as part of the material and all parties agreed this could be added and introduced.

Having taken those representations into account, the Licensing Sub-Committee **RESOLVED** that further to **Application No 21/00812/LQN** to impose new additional conditions to be attached to the Premises Licence.

Additional Conditions:

1. Where a resident living within a one mile radius of the Premises has notified the Premises Licence Holder in writing that they wish to receive details of the times and dates of events at the Premises, the Premises Licence Holder shall include such a person in the notification of events circulation as set out within the Event Management Plan.

2. The Premises Licence Holder shall:

- a. Make available a telephone number that shall be attended and answered whilst an event is in progress. The telephone number shall be clearly displayed on the event website and contained within the event information that is circulated to local residents.
- b. Calls received on the telephone number identified at 2 (a) in relation to any of the licensing objectives shall be logged in a log book and investigated. Where action is taken to resolve a reported matter, this action shall also be noted in the log book and be retained for a period of not less than six months after the event takes place.

Reasons

The Licensing Sub-Committee noted that the application for the review of the Premises Licence had been brought pursuant to all four of the licensing objectives.

The Licensing Sub-Committee did not consider that there was sufficient evidence of issues in relation to the licensing objectives of public safety, the prevention of crime and disorder and the protection of children from harm. In particular, the Sub-Committee noted that Thames Valley Police and the Local Safeguarding Children Board had not submitted a representation in response to the application. The Sub-Committee considered those Responsible Authorities were the experts in terms of commenting on such matters relating to the prevention of crime and disorder and the protection of children from harm.



The Licensing Sub-Committee considered that the primary licensing objective that was engaged was the protection of public nuisance and attached appropriate weight to the representation made by Environmental Health. The Licensing Sub-Committee considered that this representation was clear and Environmental Health considered that the conditions attached to the Premises Licence (**conditions agreed with Environmental Health on the 6 July 2015**) were sufficient in order to control noise emitted during the event. The issue was that those conditions had not been complied with in relation to the event on the 10/11 September 2021. In particular, Russell Davidson observed on Friday 10 September 2021 that the orientation of the stage was changed to face Newbury Town Centre and was therefore different to the event in 2019 and what was detailed in the previously submitted and accepted 2021 Noise Management Plan. In addition, Russell Davidson was informed UK Stage Events were responsible for the sound compliance and monitoring requirements during the event whereas the NMP stated "Livewire are responsible for the supply, maintenance and management of the sound stage and broadcast equipment. Furthermore, they are responsible for managing the sound balance of the musical acts." Environmental Health also considered that there had been a failure to control the level of noise emitted during the event.

The Licensing Sub-Committee noted that the Premises Licence Holder was very apologetic for the failures at the recent event on the 10/11 September 2021 and acknowledged that much of the problems had been caused due to the last minute decision to change the orientation of the stage. This had been due to advice received in relation to Covid-19 that this would allow better social distancing. The Licensing Sub-Committee also noted that their view was that the issue was in relation to communication and the failure to contact the Premises Licence Holder directly so that the problem in relation to the noise levels could have been remedied. The Premises Licence Holder offered additional conditions that could be attached to the Premises Licence to assist with this problem of communication and responding to and the logging of complaints relating to the licensing objectives.

The Licensing Sub-Committee attached appropriate weight to the fact there had historically been very few noise complaints received by Environmental Health since the event gained a Premises Licence for its current location on 21 August 2015. The Sub-Committee heard that this was a popular event and noted that 177 out of the 193 valid representations were in support of the Premises Licence Holder. The Sub-Committee also heard from Melissa Hughes, Chief Executive of Newbury BID (Business Improvement District) and Tim Polack who were in support of the event. Councillor Martha Vickers also acknowledged how popular the event was whilst also adding that there were areas where improvements could be made.

In consideration of all of the representations made, the Licensing Sub-Committee considered that the only step which was necessary to take in order to promote the licensing objectives was to impose the new additional conditions which had been offered by the Premises Licence Holder, as amended. The Sub-Committee noted the reassurances that had been made by the Premises Licence Holder as to improvements which were being considered for next year and considered that the review itself had already highlighted awareness of the issues in relation to noise.

The Licensing Sub-Committee did not hear any evidence that a warning had already been issued by Environmental Health in relation to the breach of the conditions attached to the Premises Licence in relation to the event which took place on 10/11 September 2021. Whilst the Sub-Committee were not of the view that any further action needed to be taken in addition to that already decided, the Sub-Committee was of the view that the Licensing Authority should issue an informal written warning to the Premises Licence Holder within seven days of the date of this Decision Notice in relation to those breach of conditions. It was considered that more could have been done by the Premises Licence Holder and this should be reflected by the issuing of an informal written warning.

Cllr Rick Jones		(Chairman)
Cllr Tony Linden		
Cllr Graham Pask		
Date: 23 November 2021		

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