

Minutes of the meeting of Licensing Sub-Committee held at Online Meeting/Conference Room 1, Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Friday 3 May 2024 at 10.00 am

Present: Councillor Polly Andrews (chairperson)
Councillors: Dave Davies and Stef Simmons

In attendance: Councillors

Officers: Licensing technical officer and Senior Lawyer - Civil Litigation

67. APOLOGIES FOR ABSENCE

No apologies for absence were received.

68. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the meeting.

69. DECLARATIONS OF INTEREST

There were no declarations of interest made.

70. APPLICATION TO GRANT AN ANNUAL PREMISES LICENCE IN RESPECT OF HOW THE LIGHT GETS IN FESTIVAL (2024 - 2028) – LICENSING ACT 2003

Members of the licensing Sub-Committee from the Council's Planning and Regulatory Committee considered the above application, full details of which appeared before the members in their agenda, and the supplementary information published on the 26 April and 30 April 2024.

Prior to making its decision the Council's Licensing Officer presented the report which outlined the options available to the sub-committee. One representation was received from the Responsible Authorities; one representation offering conditions was received from Environmental Protection which were agreed by the applicant. Nine relevant public representations had been received. A number of relevant public representations contained information that was not relevant eg: increased traffic, management and supervision of the campsite. Two letters of support were also received from members of the public. The Licensing Officer summarised the history of the festival and the conditions that were applied to previous licenses for the event.

The Sub-Committee heard from the public representatives that:

- Cusop Parish Council had submitted a representation on the application, following the hosting of two meetings at which no one spoke in favour.
- The Parish Council and local residents were not against the festival in principle but with appropriate conditions and the effective enforcement of the conditions.
- It was recognised that the festival was a popular event but the same issues to local residents occurred each year which was attributable to poor execution of the conditions of the licence.
- The festival could be undertaken with less disturbance and problems for local residents.

- Noise from the festival was the central issue; improvements to noise from the site had been noted which demonstrated the unacceptable impact on residential amenity that local residents had previously had to endure.
- The positioning of the noise monitoring equipment was noted on the Powys side of the river but there were properties in Herefordshire that were closer to the festival site and should have such equipment installed. The noise monitoring equipment had demonstrated that the decibel levels had been breached every night during the 2023 festival which contradicted the post event report which reported normal noise levels. The execution of plans to manage noise and disturbance were not properly applied and there was evidence that the operation of the festival undermined 3 of the licensing objectives.
- A new layout of the site was acknowledged but even with the conditions proposed there would still be significant disturbance to local residents. A finish time of 11:00 p.m. was requested to limit the adverse impacts of noise on the local population. It was explained that the festival could start earlier in the day to accommodate an earlier finish time and at a chamber of commerce meeting it was agreed that the earlier finish time would not be detrimental to the economy of the town.
- Poor management of festival goers attending and leaving the site was an issue and there should be greater control of intoxicated individuals by the organisers.
- Crime and Disorder concerns were associated with the festival due to the attendance of intoxicated individuals. Intoxicated festival goers posed a risk to public safety. Broken glass and bottles were evident in Newport Street during the festival.
- Anti-social driving and parking in the nearby residential area of Bookers Edge by festival goers should be addressed and managed by the festival organiser.
- The application for a 5 year licence was not supported as the event still caused controversy locally and an annual application for a licence was appropriate. A 5 year licence was not in the public interest and would not take account of forthcoming changes to the new regulations governing the planning permission for temporary campsites.
- The site for the festival was no longer an appropriate location due to the proposed developments locally.
- The festival posed disorder to the local community of between 5 and 6 days.
- Local residents requested: a 1 year licence; a change to conditions to enforce an earlier finish time; and that the festival operate in accordance with the conditions.
- The disturbance posed by the festival had an unacceptable impact on local wildlife and if SSSI status was secured for land on the Powys side of the river there would need to be consultation with Natural England.

The sub-committee then heard from the applicant's representatives that:

- Public representations should focus on those points raised in initial representations submitted on the application.
- An application for 5 years had been submitted by the applicant due to the securing of the festival site for 5 years. The application concerned a festival of 4 days/3nights over the period of 5 years with the hours of entertainment and capacity remaining the same. It was common for festivals to be granted licences for 5 years. The 5 year length of the licence provided greater recourse to the public who could activate the review process if conditions were breached.
- Public scrutiny around the operation of the festival was provided through the Safety Advisory Group and debriefs involving local residents.
- There had been no regulatory enforcement action regarding the festival. There had been no objections to the festival from the Responsible Authorities for the previous 2 years.
- The Council had been notified in October 2023 of the intention to apply for the licence. An event plan and noise management plan had been developed and the Safety Advisory Group had met recently in preparation for the festival.
- The event contributed to the local community and contributed to the local economy.
- The organisers sought to work with the local community and undertook pre-application consultation.

- The Safety Advisory Group (SAG) involved members from the police, licensing, local highways and public safety and feedback from the previous year's festival had been positive with no adverse comment.
- There had been consultation with the Licensing Authority following the festival in 2023.
- The conditions proposed by Environmental Health had been accepted in full.
- Representatives of the festival had attended meetings with Cusop Parish Council.
- It was recognised that there were concerns regarding the management and supervision of the campsite but this issue was not within the purview of the licensing sub-committee.
- Enhanced traffic management measures would be provided at the festival.
- A resident's engagement letter had been sent to local residents.
- The event Safety Management Plan was updated regularly and provided ongoing scrutiny.
- There had been a number of representations submitted regarding the festival. Many had been in support of the festival with some adverse representations.
- In response to issues concerning noise, the complaint hotline had been set-up in 2023. There had been 5 calls to the hotline in 2023; 3 had concerned noise and when the levels had been checked they had been found to be within the limits. To further address noise issues: the speakers and venues on site had been repositioned; more stewards would be deployed to assist people leaving the site; and monitor points for noise had been established.
- With regard to crime and disorder there had been no police representation to the current application. There was no history of the festival being associated with crime and disorder and the festival organisers had never had cause to call the police. Litter picking would be undertaken on the campsite and lasers had not been used for 3 years.
- The application attracted objections from the same local residents each year. The festival attempted to do all it could to lessen the impact on the local community and had met with local residents and had taken on board all those concerns raised.
- The festival had a global reputation and was a benefit to the local town, contributing to the economy and providing employment.

Following questioning by the subcommittee it was confirmed that:

- On the last day of the festival, on Monday, there was a 15 minute drinking up time with alcohol sales ceasing at 4:45 p.m. and the festival closing at 5:00 p.m. The programme had been arranged to ensure that there was a gentle 'winding-down' of activities before the end of the festival.
- The 5 year licence had been applied for as the festival had secured the site for the next 5 years. The 5 year licence provided for scrutiny and public accountability with the opportunity to undertake a review of the licence with supporting evidence.
- The Parish Council had been involved in discussions about the festival. A representative of the festival had attended a meeting of Cusop Parish Council and letters had been sent to both Cusop Parish Council and Hay-on-Wye Town Council.

The sub-committee carefully considered all the representations, reports and evidence before them. They have had regard to their duties under S4 of the Licensing Act and considered guidance issued under s182 of the Licensing Act 2003 and Herefordshire Council's Statement of Licensing Policy 2020 - 2025.

There was an adjournment at 11:25 a.m.; the meeting reconvened at 12:32 p.m.

DECISION

The Sub-Committee's decision is to approve the application as applied for.

REASONS

The Sub-Committee has taken into account the detailed representations and information presented to the hearing and fully recognises the concerns raised and the reasons why the representations were

made. The sub-committee can only consider those representations that relate to one or more of the licensing objectives. The sub-committee considers that overall the application made is comprehensive and will promote the licensing objectives.

The length of licence applied for has been very carefully considered and the sub-committee does have concerns as the number of representations has increased over time and the Parish Council has also made a representation.

The sub-committee would strongly advise that should the premises licence conditions not be complied with, that the residents use the provided Hotline and also inform Herefordshire Council Environmental Health and Licensing Department as well as the other appropriate Responsible Authorities so that concerns are properly documented as soon as practicable.

Should Licence Conditions be breached the Review Process can be utilised.

The Sub-Committee does not have any jurisdiction over Powys County Council and so recommends that the neighbouring property within the Powys authority area contacts the Environmental Health Department at Powys County Council to enquire about a noise monitoring station.

The meeting ended at 12.35 pm

Chairperson