

Minutes of the meeting of Licensing sub-committee held at Online Meeting on Thursday 17 March 2022 at 10.00 am

Present: Councillor Polly Andrews (chairperson)
Councillors: Paul Andrews and Tony Johnson

Officers: Licensing technical officer, Senior solicitor, major projects, Democratic services technical support officer and Democratic Services Officer

163. ELECTION OF CHAIRPERSON

Councillor Polly Andrews was elected as Chairperson for the meeting

164. APOLOGIES FOR ABSENCE

No apologies for absence were received.

165. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the meeting.

166. DECLARATIONS OF INTEREST

There were no declarations of interest made.

167. APPLICATION FOR AN OCCASIONAL GRANT OF A PREMISES LICENCE IN RESPECT OF 'HOW THE LIGHT GETS IN FESTIVAL 2022– 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 background papers and the supplements issued 16 March 2022.

Prior to making their decision the Council's Licensing Officer presented the report which outlined the options available to the sub-committee.

The sub-committee heard from the public representation who highlighted:

- Concerns over public nuisance and public safety
- The festival was in a residential area with families with young children and older people, that has been recently developed and not included on the plans
- The concerns arose from to the proposals for late night music and alcohol they believed the event should end more reasonably at 11pm.
- Previous events have led to public nuisance such as noise disturbances, trespassing and other anti-social behaviour

The sub-committee then heard from the applicant and their colleagues who highlighted:

- The Festival has been going for 10 years and have gained plenty of experience running the event.
- They had taken in to account the concerns of residents, and after the 2019 event they received no complaints
- The festival is believed to be far enough away from residential properties and due to it being on a hill, the slope attenuates some of the noise. They ran tests at the last event and found that the Festival was inaudible at the residential properties. Sound at the new residential development was inaudible during the previous Festival
- The genre of music is folk and does not have a repetitive hype sound that many music festivals have.
- Data from the 2019 Festival shows that the only time there was sufficient noise was from dogs and the general town noise, and not from the festival. This is due to the location of the event being on land that slopes downwards towards the river. At no point during their last event did they exceed the acceptable parameters.
- The closing time of the Festival has already been reduced this year to 1am from 2am, this is because although the organisers are excited to be back they acknowledge that people may be nervous and it was thought that this would be a gesture that would be appreciated.
- There will be a dedicated phone line for neighbours to get in touch with complaints that will be available throughout the Festival.
- Stewards and security will be in place to dissuade exiting festival goers from causing a nuisance, as well as adequate lighting.
- It was noted that in the evening there is a natural winding down of the festival, so it would not be the maximum occupancy that leaves at the end of the Festival.

Following questions from the sub committee, the following was confirmed:

- The following complaints had been registered against the Festival in previous years:
 - o April 2018 - an enquiry was made to the Environmental Health Team in relation to pre-event concerns about noise from the Festival
 - o May 2018 – a noise complaint was received in relation to shouting and loud music
 - o June 2018 – a complaint was received in relation to noise and anti-social behaviour
 - o July 2019 – a post enquiry event enquiry was made to the Environment Health Team
- The event will be held in tents and classed as indoors, so music will be muted

The committee carefully considered all the representations, reports and evidence before them today. 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.

DECISION

The Sub-Committee's decision was to grant the licence as applied for.

REASONS

Having heard the report of the Licensing Authority, the evidence from the public representations and the applicant themselves, the sub-Committee considered that the evidence did not show any substantial evidence that the festival would undermine the

licensing objectives. Therefore the decision of the Sub-Committee was that the licence be approved.

APPEAL INFORMATION

Under Schedule 5 Paragraph 2 of the Licensing Act 2003, the applicant or a person who made relevant representations, may appeal against the decision. Schedule 5 Paragraph 9 states that such an appeal must be made to the Magistrates Court within a period of 21 days from the date that the applicant is notified in writing of the decision.

Should you wish to appeal this decision then it is recommended that you obtain your own legal advice or contact the Magistrates Court at Bath Street, Hereford.

The meeting ended at 11.03 am

Chairperson