

Minutes of the meeting of Licensing sub-committee held as Online Meeting on Wednesday 19 April 2023 at 10.30 am

Present: Councillor Paul Andrews (chairperson)
Councillors: Polly Andrews and John Hardwick

Officers: Licensing technical officer and Senior Solicitor, Litigation

37. APOLOGIES FOR ABSENCE

No apologies for absence were received.

38. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the meeting.

39. DECLARATIONS OF INTEREST

There were no declarations of interest made.

40. APPLICATION FOR AN OCCASIONAL GRANT OF A PREMISES LICENCE IN RESPECT OF 'HOW THE LIGHT GETS IN FESTIVAL 2023' - 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 received from the applicant and published on the 14 April and 19 April 2023.

Prior to making their decision the Council's Licensing Officer presented the report which outlined the options available to the sub-committee. No representations had been received from the responsible authorities. Four relevant public representations had been received. A number of representations on traffic matters had been received and these had been rejected as not within the remit of the subcommittee. 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:

- The primary objection is to noise nuisance in the early hours and it was noted that the new housing at Bookers Edge was not fully occupied during previous festivals;
- Trees and other vegetation on the edge of the site have been cut back since the last festival, which will reduce noise attenuation;
- The type of music played was not 'folk music' as described at a last year's hearing and included loud and repetitive bass beats;
- Background noise levels should be taken well ahead of the festival period to be properly representative of the usual background levels;
- The finishing time should be brought forward, preferably to 11pm to match that of the main Hay Literary Festival;

- The noise disturbance impacted on a neighbouring business, a request has been made by the owner for an additional noise monitoring station on their property on the Powys side of the river;
- Complaints made to the advertised contact numbers in 2022 were unanswered, or if they were answered the noise was turned down briefly but then went back up again;
- The event is essentially a music festival;
- The festival does contribute to the economy of the town but causes a lot of disturbance and claims to run at a loss every year;
- Some residents did not feel able to complain and simply put up with the nuisance, however a number of concerns had been raised with the parish council.

Following questioning by the subcommittee it was confirmed that:

- Complaints were made in 2022 to both Herefordshire Council and the advertised contact number for the festival, the phones were not answered at the time but the incidents were reported afterwards;
- The licensing officer reported there were 2 complaints logged in relation to the festival in 2018, 7 in 2019 and 2 in 2022.

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

- The festival made an important contribution to the local economy and had been running in the current location since 2018;
- Music is an important aspect of the festival and to restrict this would alter the ethos and atmosphere of the event;
- The closing time was brought forward from 2am to 1am in 2022;
- There has been considerable consultation and planning ahead of the event and none of the responsible authorities have made representations to the application;
- There are a substantial raft of conditions, set out in the published papers, that will be in place for the 4 days and 3 nights of the event;
- The event management plan is a living document and will be updated as required following discussion with the safety advisory group;
- Changes were requested to the Noise Management Plan by Herefordshire Council environmental health team and these have been incorporated, no further changes have been requested;
- The contact number will be fully staffed during the festival and all staff who will be working in the control centre will be trained, including receiving test calls;
- A further letter will be sent to local residents ahead of the event;
- The applicant is sensitive to the concerns of local residents, but robust plans are in place to support the application and the conditions applied need to be proportionate and seek to promote the licensing objectives.

Following questioning by the subcommittee it was confirmed that:

- It is usually necessary to re-establish sound levels when there is a change of artist, monitoring will be taking place during the event to pick up and address any issues straight away;
- An additional noise monitoring station has been included at the request of Herefordshire Council, any additional points on the Powys side of the border would need to be discussed with the organiser and Powys County 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.

DECISION

The sub-committee's decision is to approve the application as applied for.

REASONS

The subcommittee has taken into account the written representations and information presented to the subcommittee and fully recognise the concerns raised and the reasons why the representations were made, however the subcommittee considers the application made will promote the licensing objectives.

As a concluding comment the subcommittee would like to clarify to members of the public that they can go to the Licensing department at Herefordshire Council with any evidence based concerns.

The subcommittee 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 12.19 pm

Chairperson