

Minutes of the meeting of Licensing Sub-Committee held at Online Meeting/Conference Room 1 on Monday 20 May 2024 at 10.00 am

Present: Councillor Polly Andrews (chairperson)
Councillors: Bruce Baker and Peter Hamblin

Officers: Senior Lawyer - Civil Litigation and Principal licensing officer

71. APOLOGIES FOR ABSENCE

No apologies for absence were received.

72. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the meeting.

73. DECLARATIONS OF INTEREST

There were no declarations of interest made.

74. APPLICATION TO GRANT A PREMISES LICENCE IN RESPECT OF DORSTONE PLAYING FIELDS - 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 supplement published on 14 May 2024.

Prior to making its decision the Council's Principal Licensing Officer presented the report which outlined the options available to the Sub-Committee. Two representations offering conditions were received from Environmental Protection and Trading Standards who act as Responsible Authorities. The conditions were agreed with the applicant. One further representation was received from West Mercia Police as a Responsible Authority offering conditions which have been agreed with the applicant. Following the representations received from the Responsible Authorities, the applicant amended the application by offering additional conditions to limit the number of events. These additional conditions were contained in the supplement published on 14 May 2024. Twenty-one (21) relevant representation have been received from members of the public, that the licensing authority have accepted as being relevant; two public representations were received from members of the public during the consultation period but were rejected as not being relevant.

The Sub-Committee heard from the public representatives that:

- The application would cause noise and public nuisance which would have an adverse effect upon the local community. The large number of people attending events at Dorstone Playing Fields, associated increased traffic and amplified music would cause a disturbance locally.
- It was felt that the applicant had not complied with the requirements of the Licensing Act 2003 or the Herefordshire Statement of Licensing Policy 2020/2025 in consulting with the local community and advertising the application appropriately. It was also queried if the

requirement for an operating schedule had been completed as required in the licensing policy.

- It was proposed that an application which restricted the festival to 700 people, reduced the hours the premises was open, removed the two smaller events and further limited the period over the summer to hold the festival could have the support of the local community.
- It was disappointing that none of the Responsible Authorities were present at the meeting and doubt was expressed that the conditions proposed by Environmental Protection, Trading Standards and West Mercia Police had been agreed or put into effect.
- The festival and site plan would encourage drug taking and drug dealing.
- A risk assessment of the festival would require consideration of entrances and exits from the site and the management of the marquee which stored and sold alcohol.
- The reference to the case of *Thwaites* as legal precedent was erroneous as the case concerned the variation of an application; the application under consideration was for a new premises licence.
- The festival would have an adverse impact upon the trade of the local public house; undermine the human rights of the local publican; and should be subject to the same level of restrictions and conditions imposed upon the local public house.
- Anti-social behaviour had been observed at the festival in 2023 but no complaints had been raised with the Responsible Authorities as it was believed that the event would be a one-off event.
- The noise and public nuisance from the festival held in 2023 had caused distress to local residents. The festival would render outdoor spaces unusable during the bank holiday weekend due to the adverse impact on residential amenity.
- Local residents would be forced to plan to leave the locality for the duration of the festival to avoid the noise and public nuisance.

The Sub-Committee then heard from the applicant that:

- It was acknowledged that greater consultation could have been undertaken in advance of the submission of the application.
- The application was intended to facilitate a festival in order to raise money for the protection of the Dorstone Playing Fields and Bowls Club as a local amenity.
- The festival had sold 400 tickets in 2023 but had only broken even. The current application would allow an increase in the size of the festival and ensure it was economically viable.
- The two smaller events in the application were intended to be local village events.
- To reduce the impact of noise on the local community the stage had been positioned to point away from the church and village.
- The event would finish by 12:00 a.m. which represented a balance between limiting the impact on the local community and ensuring that it was appealing to attendees to the festival.
- A number of positive comments regarding the festival in 2023 had been received and there had been no issues concerning anti-social behaviour nor traffic and parking.

Following questioning by the Sub-Committee it was confirmed that:

- It was noted that by the Sub-Committee that there was a greater legal framework governing a premises licence than that of a Temporary Events Notice.
- It was not anticipated that ticket sales would exceed 700. The application had been submitted in order to increase the capacity above 500.

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 amended.

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 have been made. The Sub-Committee must emphasise that it can only consider those representations that relate to one or more of the licensing objectives. The Sub-Committee considers that overall the application as amended, following the input from the Responsible Authorities, is comprehensive and will promote the licensing objectives.

The Sub-Committee notes that this is not a commercial enterprise and is motivated to try raise funds to maintain a community asset being the playing field facilities and bowls club.

The Sub-Committee further notes that it is proposed that there will be 1 festival event of more than 500 people and 2 smaller events of fewer than 500 people per year. The submissions of the applicant stated that the larger event will cater for up to 700 hundred people.

The Sub-Committee notes that there were no reported issues from previous events held at the site.

The Sub-Committee acknowledges the concerns raised in the detailed submissions at today's hearing and would advise that should the premises licence conditions not be complied with, that the residents inform Herefordshire Council Environmental Health and Licensing Department as well as the other appropriate Responsible Authorities so that concerns are properly documented.

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

The meeting ended at 11:32 a.m.

Chairperson