

## TVF Limited (“the Applicant”)

### HOWTHELIGHTGETSIN 2024 (“the Festival”)

#### SUMMARY OF APPLICANTS SUBMISSIONS

---

1. This submission is aimed at assisting the Herefordshire Council Licensing Sub Committee, officers and local residents who are party to above matter. In essence, it summarises the submissions that the application will make to the Licensing Sub Committee on Friday 3<sup>rd</sup> May 2024.
2. The application, which is for a time limited licence for 5 years, authorising 1 four-day festival for each of the 5 years is supported by a statement from Mandy Houghton (with appendices **MH1 – MH9**).
3. **Council Licensing Act 2003 Policy**

The Licensing Authority Policy (Page 2) recognises *“that the licensed entertainment business sector and community licensed facilities in Herefordshire contribute to the local economy and social infrastructure”*.

The Festival will make a significant contribution to the local economy (see the Economic Impact Assessment, paras 26 - 33 of the statement of Mandy Houghton and at **MH5**).

The Policy also states at page 2 that *“the Licensing Authority wishes to encourage licensees to provide a wide range of entertainment activities throughout their opening hours and to promote live music, dance, theatre etc. for the wider cultural benefit. They are a factor in supporting an economy which builds on the county's strengths and resources, which is one of Herefordshire Council's aims.”*

The Festival (see paras 12 - 17 of the statement of Mandy Houghton) meets all of these aims.

The policy also acknowledges the need to strike the right balance between the needs of businesses and of local residents (see Foreword by Chair of the Licensing Committee). This is achieved through the Event Safety Management Plan (and supporting policies and risk assessments) and the significant schedule of conditions that have been proposed with the application.

#### **4. HowTheLightGetsIn**

HowTheLightGetsIn has a unique identity as a philosophy and music festival (paras 12 – 17 of the statement of Mandy Houghton and **MH4**).

This provides significant benefit to the local and wider community (**MH5**).

The festival was founded in 2008 and has taken place in Hay-on-Wye since 2009 – moving to its current location in 2018. Historically, the festival ended at 0200am each day, this was voluntarily reduced to 0100am in 2022.

#### **5. SAG De-brief 2023**

The applicant engaged in significant post event meetings with the Councils SAG attending three meetings on the 10 July 2023, 22 August 2023 and the 24 October 2024 (**MH1, MH2 and MH3**).

- 6.** The feedback from these meeting was overwhelmingly positive (see the statement of Mandy Houghton paras 18 – 22) with the comment being made that the “steps taken by HTLGI appear to have improved relationships with the local community which is very positive”.

#### **7. The Application**

The application is for a 5 year licence.

The 2024 event shall run from Friday 24<sup>th</sup> May 2024 until Monday 27<sup>th</sup> May 2024. Notification of these dates were given to the Licensing Authority on the 13 October 2023.

#### **8. Operating Schedule**

The application is supported by a substantial schedule of conditions underpinned by an Event Safety Management Plan.

In the course of the statutory consultation process, save for the Environmental Health Officer (see below), none of the responsible authorities sought to add to or amend the draft operating schedule.

## **9. Pre-application Consultation – the Licensing Authority**

Pre-application consultation has been carried out with the Licensing Authority and Responsible Authorities (see the statement of Mandy Houghton at paras 45 - 47 of and **MH9**) on the 16 January 2024 when all relevant parties were provided with details of the proposal and a draft operating schedule.

Save for some observations from the Fire Officer no comments were made about the proposal or any suggestions to amend or adapt the proposed operating schedule.

## **10. Pre Application Consultation – the Local Community**

The Applicant engaged with the local community in advance of submitting the application (see the statement of Mandy Houghton at paras 48 - 50). The Applicant attended a meeting of the Cusop Parish Council (where the operation of the campsite was of particular concern). The campsite management plan has been amended and updated to attend to these concerns.

A residents engagement letter was circulated.

A further residents engagement letter will be sent to the local community with details of the Residents Hotline in advance of the Festival.

## **11. Event Safety Management Plan (ESMP) and Noise Management Plan (NMP)**

The ESMP (**MH7**) is a significant and substantial document to which are attached a number of appendices setting out specific policies which include, amongst others, the NMP (**MH8**).

The ESMP and all supporting policies are living documents which will be subject to ongoing scrutiny by the Council's SAG (the most recent meeting of which took place on the 18 April 2024) up to, and during, the event.

## **12. The National Guidance**

The Committee will be familiar with the following paragraphs of the s.182 National Guidance to Licensing Authorities (December 2023 edition):

Crime and Disorder

*2.1 - Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).*

#### Public Nuisance

*2.21 - The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences*

#### The Role of the Responsible Authorities

*9.12 Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area*

#### Determining actions that are appropriate for the promotion of the licensing objectives

*9.44...the authority should aim to consider the potential burden that any condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives*

#### Proportionality

*10.10 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.*

### **13. The Responsible Authorities**

As stated above, the Responsible Authorities have been engaged as part of the pre application consultation (see the statement for Mandy Houghton at paras 45 - 47).

The EHO requested an additional condition be attached to the licence (see the Executive Summary in the statement of Mandy Houghton). This has been agreed and as a consequence of this the EHO has withdrawn his representation.

The Applicant says that it is of significance that none of the responsible authorities have requested any other changes to the operating schedule (specifically the life of the licence, days and hours requested) and that there are no outstanding representations to the Application from any of the responsible authorities (see para 9.12 of the National Guidance quoted above).

### **14. Representations – other persons**

The Application has drawn representations to the application from a number of other persons.

The Applicant has responded positively to these representations and is attended to in the statement of Mandy Houghton at para 55.

### **15. Representations and Letters in Support**

The application is supported by two positive representations in support of the application.

The application is also supported by 13 letters in support of the festival (see the statement of Mandy Houghton at para 56 and **MH6**) from local residents (a number of whom live in close proximity to the site) and businesses.

### **Conclusions**

**16.** There is only one question of significance here - is this application, by this applicant, at these premises, likely to undermine the licensing objectives?

**17.** The National Guidance issued under s.182 of the Licensing Act 2003 states as follows

*The Authority's determination should be evidence based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve*

18. It is submitted that, on the evidence presented, the Committee should grant the application because:

- (i) The Applicant is an experienced operator of the Festival at the site
- (ii) The festival is unique and supports the underlying principles of the Councils own licensing policy providing a "*wide range of entertainment activities throughout their opening hours and to promote live music, dance, theatre etc. for the wider cultural benefit.*"
- (iii) The application is for a time limited licence for 1 four day event each year over the course of 5 years
- (iv) The Festival brings with it significant positive benefits to the local and wider community
- (v) The feedback from the post event SAG de-brief included an observation that the "steps taken by HTLGI appear to have improved relationships with the local community which is very positive"
- (vi) There was no review of the licence nor any regulatory enforcement notices issued after the 2023 Festival which would be expected had the licensing objectives been undermined
- (vii) The Applicant has engaged in significant pre application consultation with the council, responsible authorities and SAG and save for one additional condition agreed with the EHO at no stage have any of these bodies sought to amend or restrict the application as presented to the Licensing Authority
- (viii) There has been significant pre application consultation with the local community and this engagement will continue up to, and where necessary, during the Festival
- (ix) The application is supported by a significant schedule of conditions contained within the operating schedule
- (x) Key to the operating schedule is the ESMP which provides a further "lock step" in ensuring that the licensing objectives are promoted
- (xi) The ESMP and supporting policies will be subject to on going scrutiny by the SAG
- (xii) The ESMP will be updated/amended up to, and during the course of the Festival.

- (xiii) There are no representations to the application from any of the responsible authorities
- (xiv) The application is supported by local residents and businesses
- (xv) The Applicant is committed to engaging with all relevant stakeholders post the end of each year's festival and will modify and adapt their operating procedures (as they have done in the past) in a proportionate and responsible manner

**Ewen Macgregor**

**TLT**

**Dates the 25 April 2024**