

West Wiltshire District Council

Licensing Sub-Committee Hearing

for the Application for a Premises Licence

for Moonfest, 29-31 August 2008, Storridge Farm, Westbury, Wiltshire.

Held on: Thursday 24 July 2008

Held in: Council Chamber, Bradley Road Trowbridge

Present: Cllrs Trevor Carbin – Sub-Chair, Geoffrey Carr and Jeff Osborn

Mr John Green & Laura Sutton (Applicant) and Mrs Joyce Smith, Mr R Verceo, Mr Frank Brine, Mr Alf Moreton, Ms Vivien Birch and Mrs Mary McCorie (Respondents),

Officers:

Maggie Jones	-	Policy & Licensing Officer
Graham Steady	-	Principal Environmental Health Officer
Fred Nutley	-	Environmental Health Officer
Ann Higgins	-	Lawyer
Kevin Fielding	-	Democratic Support Officer

The Chairman opened the meeting and welcomed all those present

1. Declarations of Interest

There were no declarations of interest.

2. Hearing Procedure

The Chairman guided all those present through the Hearing Procedure and confirmation was given that the Procedure was understood.

3. Application for Determination

The Chairman reported that an application for a premises licence under the Licensing Act 2003 in respect of Moonfest, 29-31 August 2008, Storridge Farm, Westbury, Wiltshire had been received.

The meeting was conducted in accordance with the Hearing Procedure.

The Policy and Licensing Officer presented the Committee report, which gave a summary of the application and the consultation undertaken by the Applicant. It was noted that the deadline for submissions from respondents had been extended from the thirteenth June 2008 to the twenty ninth June 2008 as the applicant had failed to display neighbourhood notification notices as required for a full twenty eight days. It was also noted that representations had been received from the following:

Mrs Joyce Smith, 5 Hawkeridge Park, Westbury
Mr R Vercoe, Storridge Road, Westbury
Ms Vivien Birch, 10 Ireland, North Bradley

Mrs Mary McCrorie, Scotland Cottage, Southwick
Mr Frank Brine, Heywood Parish Council
Mr Alf Moreton, North Bradley Parish Council

Who were present at the meeting, and also from:

Mrs Caroline White, 17 Storridge Road, Westbury
Ms Hayley Robinson, 25 Storridge Road, Westbury
Mr D Buckland, 19 Storridge Road, Westbury
GP Garage Services, 5 Main Street, West Wilts Trading Estate, Westbury
Wiltshire Plastics UK Ltd, 146 Engineer Road, West Wilts Trading Estate, Westbury
Mr Charles Abnett, Middleton & Major, The Estate Office, West Wilts Trading Estate, Westbury
D & P Sharrocks, Lynnswood, The Ham, Westbury
B & P Harper, 29 The Ham, Westbury

Who were not present.

The Sub-Committee Chairman, Cllr Trevor Carbin advised the hearing that late submissions had been received, these were accepted by all parties.

The applicant, Mr Green put the case.

The Interested Parties put the case.

The Councillors and all parties present were given opportunities to ask any questions throughout the proceedings.

All parties were given the opportunity to sum up.

The meeting adjourned to allow the Councillors retire to deliberate the application. The Lawyer accompanied them to answer any questions on licensing law.

The meeting reconvened and the Chairman read out the decision.

RESOLVED

As per the attached Decision.

(10.30am – 12.20pm – including brief adjournment)

These minutes were prepared by
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Licensing Act 2003
Application for a Premises Licence
Moonfest, Storridge Farm, Storridge Road, Westbury BA13 4HY

That following a public hearing on 24 July 2008 the decision of the Licensing Sub-Committee ('the Committee') was to grant the time limited application for a three day outdoor music festival in the following terms and subject to the following conditions.

The Committee noted that the Premises Licence applied for was, in summary:

Friday 29 August 2008	1100 to 0300 hours (the following day)
Saturday 30 August 2008	1100 to 0300 hours (the following day)
Sunday 31 August 2008	1100 to 2200 hours

- **The hours for the supply of alcohol (on sales)**
 - ◆ **Friday and Saturday** **1100 to 0300 hours (the following day)**
 - ◆ **Sunday** **1100 to 2200 hours**

- **The hours for regulated entertainment**
 - ◆ Live music, recorded music, performance of dance, provision of facilities for dancing (in & outdoors)

Friday and Saturday **1700 to 0230 hours (the following day)**
(Main Stage until Midnight except on Sunday until 2200hrs)

Sunday **1100 to 2200 hours**

- **The hours for late night refreshment**
 - ◆ **Friday and Saturday** **2300 – 0300 hours (the following day)**

The Committee considered the following:

1. Section 17 of the Licensing Act 2003 which confers the powers of the Licensing Authority to deal with the application
2. It's obligation to promote the four licensing objectives
3. the Existence of other statutory provisions such as the Environmental Protection Act 1990; the Anti-Social Behaviour Act 2003 and the Crime and Disorder Act 1998
4. The relevant sections of the Council's Statement of Licensing Policy and
5. Statutory Guidance under Section 182 of the Licensing Act 2003
6. All written representations including your letters to the Licensing Authority

The Committee considered that it must carry out its functions with a view to promoting the four licensing objectives set out in Section 4 (2) of the 2003 Act. These objectives which are central to the licensing regime are the protection of children from harm, the prevention of crime and disorder, public safety and the prevention of public nuisance. These are the principles licensing control is seeking to achieve and the Committee focused its decision making on the likely effect of the grant of the application on the promotion of the licensing objectives.

The Committee disregarded any evidence which was not relevant and complied with the provisions of Regulation 19 of the Licensing Act 2003 (Hearing) Regulations 2005. The

Committee did not take into account representations which did not relate to one or more of the four licensing objectives and it did not take into account any evidence which did not relate to this licensing application.

Evidence

The Committee carefully considered all aspects of your written submission and your oral submission at the hearing. The Committee noted that you agreed to take further action (s) in response to submissions made by the Interested Parties at the hearing.

The Committee took note of the fact that you had engaged with all Responsible Authorities prior to the hearing and had agreed conditions to address their concerns. The Committee also took note that there had been no representations made by the Responsible Authorities.

The Committee was grateful to you for agreeing that all of the late representations could be submitted at the hearing and that you were happy for the Committee to consider these submissions along with those representations which were made within the time limits.

The Committee carefully considered the evidence from Interested Parties, present at the hearing, whose basis of objection was noise nuisance, potential for crime and disorder and public safety. This included two Interested Parties whose representation was made out of time but with the consent of the applicant were able to speak at the hearing.

They felt that to grant the Premises Licence as applied for would interfere with their peaceful enjoyment of their premises particularly late at night.

The Committee concluded that there was not sufficient evidence by the Interested Parties that the grant of the application as applied for would interfere with the licensing objectives to such an extent to justify the refusal of this licence. In making this determination the Committee also took into account its authority to impose additional conditions on the licence.

Summary of Decision

The Committee was satisfied that on the balance of probability and that in all of the circumstances, including the conditions to be imposed, that the licence be granted but that the hours applied for should not be granted in their entirety as the Committee was satisfied that to grant the application as applied for would adversely impact the licensing objectives of the prevention of crime and disorder and public nuisance respectively.

The Committee resolved that the Premises Licence be granted for the following hours:

Friday 29 August 2008	1100 to 0200 hours (the following day)
Saturday 30 August 2008	1100 to 0200 hours (the following day)
Sunday 31 August 2008	1100 to 2200 hours

- **The hours for the supply of alcohol (on sales)**
 - ◆ **Friday and Saturday** **1100 to 0200 hours (the following day)**
 - ◆ **Sunday** **1100 to 2200 hours**

- **The hours for regulated entertainment**
 - ◆ Live music, recorded music, performance of dance, provision of facilities for dancing (in & outdoors)

**Friday and Saturday 1700 to 0130 hours (the following day)
(Main Stage until Midnight except on Sunday until 2200hrs)**

Sunday 1100 to 2200 hours

- **The hours for late night refreshment**
- ◆ **Friday and Saturday 2300 – 0300 hours (the following day)**

Mandatory Conditions

The licence is also subject to the mandatory conditions of the Licensing Act 2003, insofar as is relevant.

Conditions Consistent with the Operating Schedule

The licence is also subject to additional conditions consistent with the operating schedule which shall include the Ticket Buyers Information Pack as submitted.

Conditions Attached at the Hearing

- 1. Sound levels, as measured on the boundary of any sensitive properties will not exceed:**

**65dB L aeq(15minutes) between
0900 and 2400 hours**

the background noise level LA90 between 2400 and 0900 hours

2. There shall be security patrols covering Scotland/Ireland, The Ham, Storrige Road and West Wilts Trading Estate during the times provided for in the Operating Schedule.
3. There shall be noise monitoring at the boundary of Brokerswood Country Park campsite during the times provided for in the Operating Schedule

