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Licensing Sub-Committee - 16/12/15

LICENSING SUB-COMMITTEE

Wednesday, 16th December, 2015

Present:- Cllr Hambleton in the Chair
Councillors Eastwood, Hambleton and Welsh

1. APPLICATION FOR A PREMISE LICENCE - WHITMORE HALL ESTATE REPORT

Having taken into account the Licensing Act 2003 and the guidance issued under Section 182 of the Act, the Council's Statement of Licensing Policy and also the fact that objections to the application have been received from other persons on the basis that to grant the application would undermine the licensing objectives relating to the prevention of public nuisance, public safety, the prevention of crime and disorder and the protection of children from harm.

The sub-committee have considered those licensing objectives in the light of what has been said and have listened to the arguments and have taken into account the agreement that has been reached between Staffordshire Police, Environmental Health and the applicant as to appropriate conditions that basically required the provision of management plans and procedures following the grant of the proposed licence, but before the commencement of the festival that could promote the licensing objectives.

The sub-committee took into account the extensive evidence before them and also the evidence given by the Police that despite the agreement, they still had a number of reservations.

The sub-committee also noted that the application itself was defective in that it failed to specify the term of the event or over what period it was proposed and were persuaded that there had been inadequate consultations with the residents regarding the proposals, which had resulted in a petition and some 100 written objections to the proposal. It was however, accepted that the applicant had complied with the law in relation to notice provisions. The residents of the surrounding area however, made persuasive arguments that to grant the licence would undermine the licensing objectives.

The sub-committee were advised that residents would suffer public nuisance mainly in the form of noise and light intrusion from music generators, revellers and floodlights in connection with the licensable activity and also from people and vehicles coming to and going from the festival.

The sub-committee did not feel that the conditions proposed by the applicant could be adequately enforced during the festival having received evidence of the noise nuisance at a similar venue in the area.

Public safety concerns included the serious risk posed by traffic coming to and going from the site using the A53 highway adjacent to the site, which was known to be the second most dangerous road in Staffordshire, which unlit in the vicinity of the site and had no pavement on the roadside closest to the site. Evidence showed that traffic management issues would occur throughout the day. It was not considered that

conditions would be useful in this respect, and a traffic management policy would not solve the problem.

Concern was also expressed at the inadequacy of the entrance and exits to the site which posed danger and to the pedestrian traffic conflict on the A53, which had resulted in a number of accidents in the vicinity. The road carried at present some 12,000 vehicles per day and the increase in traffic if the application were granted, as the Police agreed, would cause significant delays to transport and increase the likelihood of further accidents, which emergency vehicles would find it difficult to respond to, involving people trying to cross the road to the inadequate pavement on the other side.

There was no fencing to the site at the roadside and concern was expressed at people forcing access through boundary hedges. There was no indication that fences would be put in place at that location.

At present, only a four foot high chicken wire fence divided the site from the well-used railway, which posed a positive danger to members of the public. Whilst the committee received an assurance that a higher fence with security patrols would be put in place on the site, the committee were not convinced that there was adequate protection for people trying to cross the railway to access the site. Further, the Committee was not convinced that the fencing on the site would go around the site sufficient to deter children from gaining access to the railway land.

Site plans suggested that there would be inadequate provision for parking on the site and festival goers would be at risk by the movement of traffic, which may not be able to park. There would be no Police presence during the proposed festival, although the applicant stated that the festival would be marshalled. The committee were concerned about this.

Concern was expressed generally for the safety of the public whilst on the site and the committee were not convinced that there had been a risk assessment carried that identified the measures necessary to protect the public. Specifically, there were no current search proposals which, in the present climate, were deemed essential.

The Police confirmed that the majority of crime and disorder would probably be confined to the site during the period of the festival, by having regard to the expected numbers attending the festival, it was considered that this would spill out to the outlying areas having an adverse effect on local businesses and the surrounding community following the proposed entertainment termination time.

The sub-committee were not persuaded that adequate measures (despite the proposed conditions) would be in place regarding the protection of children from harm and were specifically concerned about underage drinking, child exploitation and the exclusion of unaccompanied children from relevant licensed areas.

Members of the committee took the opportunity to visit the site but in general they were not convinced that this was an appropriate site for the proposed undertaking either in terms of size, nature or location. Neither was the committee convinced that the plans required by the applicant's conditions would be fully adhered to.

Having taken all of the matters into account, the committee have concluded that insufficient evidence has been provided by the applicant to show that the licensing objectives will not be undermined.

The committee are therefore disposed to refuse the application and a notice will be issued to that effect.

Chair

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