

LICENSING SUB-COMMITTEE

Tuesday, 2nd August, 2016
Time of Commencement:10am

Present:- Councillor Trevor Hambleton – in the Chair

Councillors Reddish and J Williams

Officers

Apologies Councillor(s)

1. **APPLICATION FOR THE VARIATION OF A PREMISE LICENCE - BETLEY COURT FARM**

Having taken into account the Licensing Act 2003 and the guidance issued under Section 182 of the Act, the Councils statement of Licensing Policy and also the fact that objections to the application had been received from both Environmental Health and other persons on the basis that to grant the application would undermine the licensing objective relating to the prevention of public nuisance.

The Licensing Sub-Committee considered those licensing objectives in the light of what had been said and had listened to the arguments and were persuaded that it would not offend the licensing objectives to grant the applications.

The first application was a variation to the existing premises licence to enable the temporary stage to be utilised on Friday, Saturday and Sunday, (as permitted by Virtue of Part 1 of the premises licence) to be re-sited (but remaining within the address of the premises demised by that licence) to the area shown on a plan submitted. The stage and site being designed to minimise possible nuisance to nearby residents, in accordance with the licence conditions. The Licensing Sub-Committee being satisfied that the re-siting of the temporary stage would facilitate noise attenuation it was disposed to grant the application.

The second application was for an additional one day to those stipulated under the current premises licence to permit all licensable and other activities authorised under the premises licence. The additional day being Thursday 11 August 2016 and it was noted that the applicant did not seek permission for an additional day for any subsequent years.

Environmental Health had been in contact with the applicant and had agreed to withdraw their representation for so long as the conditions agreed between themselves and the applicant in relation to permitted music noise levels set out on page 76 of the agenda were included in the licence to ensure that the licensing objectives were met. The noise levels in relation to 4 day events stipulated that music noise levels should not exceed the background noise level by more than 20dB(A) over a 15 minute period and a maximum of 70dB in both the 63Hz and 125 Hz octave frequency band.

The applicant had agreed this condition which was reflective of national guidance which prevents public nuisance associated with music noise.

In their submissions other parties have made reference to the application being flawed in terms of the notice of application. The Licensing Sub-Committee took the view that the relevant legal notices had been given and displayed and therefore, the application was in order.

The Committee noted that Staffordshire Police had not objected to the application in relation to crime and disorder or any other licensing objective.

Representations were also submitted in relation to possible traffic related issues. Evidence was given that these had been discussed by all relevant parties at the Safety Advisory Group where a traffic management plan had been agreed taking into account expected traffic flow during the relevant days including peak periods. Car parking provision had been identified in two fields and additional stewards and Police had been employed. There would be track way and temporary roadways and tow away facilities with informative highway signage and on street parking restrictions. There would also be marshall arrangements and taxi drop off/availability areas.

The Committee had regard to paragraph 2.8 of its Licensing Policy relating to the protection of residential amenity and paragraph 8.33 to 8.41 relating to the steps to be taken to promote the licensing objectives contained in the guidance.

Counsel for the applicant also drew the committee's attention specifically to paragraph 2.6 of the Licensing Policy in relation to the promotion of live music and cultural activities.

In reaching its decision the committee also had regard to the existing licence conditions which provided that the licensable event shall not proceed where the required management plans required by the licence had not been approved by the relevant responsible authority in advance of the event. The required management plans and procedures being identified in Annex 4 of the licence.

In relation to representations relating to noise nuisance the committee were of the opinion that the re-siting of the stage coupled with the agreement relating to the reduction in permitted noise levels over the whole concert period should alleviate the majority of concerns in that connection.

There having been no concerns expressed in relation to public safety or the protection of children from harm the committee on balance were of the opinion that the licence should be granted.

Therefore, subject to the conditions that are referred to, the committee were prepared to grant a variation of the licence on the following basis:-

Firstly the licence to be amended to include THURSDAY 11 AUGUST 2016 (for this year only) with licensable activities as follows:-

Live music (outdoors):-	14:00 – 22:30
Recorded music (outdoors):-	14:00 – 22:30
Alcohol (on the premises):-	14:00 – 22:15

Opening hours of the premises:- 14:00 – 22:30

(all in accordance with the application)

Secondly, the licence shall be subject to the agreed conditions referred to above in relation to the agreed permitted music noise levels.

Thirdly, Condition 24 (ii) of Annex 4 would be amended to provide for propagation and speaker tests on Thursday 11 August 2016 from 10:00am – 3:00pm in addition to the other days and times.

Any party aggrieved by this decision has the right to appeal within 21 days from the date of this decision of the Magistrates' Court.

COUNCILLOR TREVOR HAMBLETON
Chair