

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN
THE COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON MONDAY 6 FEBRUARY
2012, AT 2.00 PM

PRESENT: Councillor M McMullen (Chairman).
Councillors Mrs R Cheswright and
J Demonti.

ALSO PRESENT:

Councillors A Jackson and P Ruffles.

OFFICERS IN ATTENDANCE:

Ben Firmin	- District Environmental Health Officer
Peter Mannings	- Democratic Services Officer
Paul Newman	- Interim Licensing Manager
George Robertson	- Legal Services Manager
Sheila Winterburn	- Environmental Health Manager - Housing

31 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor Mrs R Cheswright and seconded by Councillor J Demonti that Councillor M McMullen be appointed Chairman of the Licensing Sub-Committee for the meeting.

RESOLVED – that Councillor M McMullen be appointed Chairman of the Licensing Sub-Committee for the meeting.

32 APOLOGY

An apology for absence was submitted on behalf of Councillor W Ashley.

33 LICENSING ACT 2003 - LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005 (AS AMENDED) - APPLICATION TO VARY A PREMISES LICENCE, AT WILKESTOCK 4 ACRE FIELD, WATERBRIDGE, FROGMORE HILL, WATTON AT STONE, SG14 3RR

The Chairman outlined the procedure to be followed. All those present for the application were introduced.

The Interim Licensing Manager provided a background to the application. He summarised the case in that the applicant wished to vary the premises license at Wilkestock, 4 Acre Field so that 1500 people could attend what was an open air music festival in September 2012 with a further smaller scale festival earlier in the year. Members were advised that the opening hours and activities covered by the application were set out on pages 8 and 9 of the report now submitted.

The Interim Licensing Manager advised that the applicant was not in agreement with 3 of the conditions suggested by Environmental Health as detailed at pages 32 – 34 of the report submitted. The applicant had also given an assurance that suggested safeguards from Hertfordshire Fire and Rescue would be implemented.

The Sub-Committee was advised that 10 residents objections had been received, along with the representation from Environmental Health. The Interim Licensing Manager stated that Hertfordshire Highways and Hertfordshire Constabulary had not objected to the application as there had been minimal disruption in previous years.

Hertfordshire Constabulary had stated that the force hoped to work with the applicant to ensure a safe event.

Aston Parish Council had neither supported the application or raised any objections. A number of letters of support had been received from local residents on the basis of it being a well run festival that had raised money for charitable causes.

The Interim Licensing Manager referred to the objections raised relating to the increase in the scale of the festival, disturbance of the peace and noise levels reaching intolerable levels due to the increased crowd capacity.

Objectors had also been concerned in relation to health and safety and the risks of pollution if appropriate sanitation was not provided.

Finally, concerns had been raised in relation to parking stress and the likely increases in road traffic placing unacceptable demands on the local road network. Some residents had been unhappy in respect of the likely disruption to sleep and the potential for street fouling in the roads surrounding the site.

Environmental Health Officers were in attendance and commented that they had offered a number of conditions, most of which had been supported by the applicant. There remained some noise conditions where the applicant and Officers had not been able to reach agreement.

The Sub-Committee was advised of the criteria used by Officers in suggesting conditions to mitigate the likely noise impacts of the application. Officers were of the view that the application, if approved, could give rise to more complaints from residents in relation to noise.

In response to a query from Councillor J Demonti, Members were advised that with a conditioned noise limit of 15 decibels above background noise levels before 11 pm on Friday, Saturday, Sunday, Officers would not expect there to be any complaints.

In response to a query from an objector, Officers confirmed that noise nuisance legislation, typically, did not apply to Temporary Event Notices (TENs), which had been in place at Wilkestock on a number of occasions in recent years.

The Interim Licensing Manager confirmed that when authority was approved for TENs, any conditions on a premise license would not be enforceable under licensing legislation.

Councillor A Jackson, as the local ward Member, commented that he hoped that a pragmatic middle ground could be achieved between the applicant and residents. He hoped that there could be an outcome that allowed this event to continue whilst also satisfying the increasing concerns of residents, who had historically been very tolerant of the applicant's activities at Wilkestock.

Councillor Jackson emphasised that there appeared to be a strength of feeling amongst residents against a greater number of evening activity relating to the Wilkestock festival. He also stated that Hertfordshire Constabulary and Hertfordshire Highways might also find they received more complaints should this application be approved.

An objector, who knew the applicant well, explained he was in difficult position as he admired the applicant's intentions and the Wilkestock festival had proved to be an enjoyable and low key event. He stated that residents' views in recent years had ranged from mild positivity to tolerance.

The objector referred to last year's festival at Wilkestock and stated that residents had been troubled by sleep deprivation and were now concerned that the increase in size of the event would cause significant distress and disruption. The objector agreed with Councillor Jackson that a middle ground should be the best way forward.

The applicant summarised his reasons for submitting the

application to vary the premises licence. He stressed that he understood residents' objections but had been unaware of many of them. The applicant acknowledged that noise levels at the 2011 event had been far too high and would never be repeated. He reminded the Sub-Committee that the event had an excellent public safety record and there had been no objections from Hertfordshire Constabulary or Hertfordshire Highways.

The applicant's supporting speakers addressed the Sub-Committee in support of the application, including the DJ responsible for the sound equipment for the Wilkestock festival. He stated that he could adhere to the layout plans and the stipulations regarding noise that had been put forward by Environmental Health.

The applicant commented that the increase in days was to facilitate a pre-event to raise the necessary funds to run the Wilkestock festival.

Environmental Health Officers stressed that the conditions they had suggested were very stringent due to the increased duration of the festival and were the most stringent that could be applied.

Environmental Health Officers explained that less stringent conditions would be applied if the duration of the festival was reduced to 3 days. However, whilst the duration remained at 4 to 12 days, these conditions would not be changed. Officers were happy to work with the applicant to ensure the conditions were workable.

In response to queries from Councillor Mrs R Cheswright, the applicant confirmed that 8 car park marshals would be in place along with a traffic management plan. The applicant summarised the other precautions that would be in place to ensure a safe and well run festival.

All of the parties present for the hearing provided a final summary of their representations in respect of the application to vary the premises licence at Wilkestock.

At the conclusion of the representations, the Sub-Committee withdrew with the Legal Services Manager and the Democratic Services Officer to consider the evidence.

Following this, they returned and the Chairman stated that the Sub-Committee had listened to the comments of the applicant, objectors and Officers and had decided to approve the application, subject to conditions set by Environmental Health as detailed at pages 32 – 34 of the report now submitted, in order to address concerns relating to public nuisance.

The Chairman advised that the applicant was expected to liaise with residents and the applicant was also reminded that non-compliance with conditions might result in this case being brought back before this Sub-Committee for review.

RESOLVED – that the application to vary the Premises Licence at Wilkestock, 4 Acre Field, Watton at Stone, be approved, subject to conditions set by Environmental Health as detailed at pages 32 – 34 of the report now submitted, in order to address concerns relating to public nuisance.

The meeting closed at 4.05 pm

Chairman
Date