

# **BATH AND NORTH EAST SOMERSET COUNCIL**

## **LICENSING SUB-COMMITTEE**

Thursday, 28th March, 2019, 10.00 am

**Councillors:** Anthony Clarke (Chair), Rob Appleyard and Deirdre Horstmann

**Officers in attendance:** Terrill Wolyn (Senior Public Protection Officer) and Carrie-Ann Evans (Deputy Team Leader (Barrister))

### **69 EMERGENCY EVACUATION PROCEDURE**

The Democratic Services Officer advised the meeting of the procedure.

### **70 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies were received from Cllr Les Kew, for whom Cllr Anthony Clarke substituted.

### **71 DECLARATIONS OF INTEREST**

There were none.

### **72 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR**

There was none.

### **73 MINUTES OF PREVIOUS MEETING: 1ST MARCH 2019**

The public and exempt minutes of the meeting of 1<sup>st</sup> March 2019 were approved as a correct record and signed by the Chair.

### **74 LICENSING PROCEDURE**

The Chair explained the procedure to be followed for the next item of business.

### **75 APPLICATION FOR A PREMISES LICENCE FOR THE BIG SAM JAM, EVENT FIELD, WOODBOROUGH MILL BARN, WOOLLARD BS39 4JT**

Applicant: Edwin Osborne (Premises Licence Holder) accompanied by Scott McKean (Outdoor Events Manager & Consultant).

Other persons: Paul Holmes, Sally Isles, Colin Taylor, Teresa Allward, Jonathan Cross (representing Anne Cross), Cllr Sally Davis (representing Sylvia Box)

The parties confirmed that they understood the procedure to be followed for the hearing.

The Senior Public Protection Officer presented the report.

Representations had been received from 8 "other persons", which collectively related to all four of the licensing objectives, and a petition with 13 signatures relating to the

public nuisance and public safety licensing objectives had also been received. There had been no representations from the Responsible Authorities. Additional information from the parties had been circulated since the publication of the agenda.

Mr Edwin Osborne stated his case. He said that the event was a way for the Samaritans to raise money and increase awareness of the service they offer. The Samaritans provide a unique, 24/7, 365-days a year service. In 2018 there had been 5,821 recorded suicides. In the same year the Samaritans received five million calls, hundreds of thousands of texts and emails and held thousands of face-to-face meetings with clients. All profits from the event would go to the Samaritans. Similar events had been held for the Samaritans elsewhere over the past seven years. The planned event is similar in size and structure to those held previously, which, however, had been held in a smaller field than designated for the Big Sam Jam.

Mr Osborne said that he had run several smaller events on the proposed venue for a number of years for various charities, and he had run other events in other areas. He had run pubs and clubs, a restaurant in Bristol, and had been involved in running a greyhound stadium and in the operation of horse-race tracks for very large events. He did therefore possess considerable relevant experience. However, he had no experience in running a music festival, which is the reason that additional help had been engaged, including Mr McKean, who is involved in the preparation of the event management plan. Three companies specialising in festivals had submitted proposals. A contract had been made with a company whose owner is a resident of the village to supply stage equipment. Another contract has been made for refuse collection and recycling. Quotations had been received from St John's ambulance and two other contractors for first aid. A contract had been made for power generation and several quotes had been received from specialist companies for fencing. The proposed event is relatively small as music festivals go, and planning is at an early stage. The event management plan is a living document and aims to set out everything that will be needed to run the festival, including health and safety, on- and off-site traffic management and the management of volunteers, of whom there will be a considerable number.

In response to questions from Members Mr Osborne stated:

- Some volunteers will have the role of ensuring the safety of children; anyone with direct contact with children will be DBS checked.
- There will be a fence approximately ten feet away from the river adjacent to the site. The fence will keep people away from the river and provide a low backdrop to the stage.

At the invitation of the Deputy Team Leader (Legal) Mr Osborne addressed the representations made by the Other Persons. He said that there was no evidence that the licensing objective of the prevention of crime and disorder would be undermined. A relatively small family event with mixed music would be unlikely to promote criminal behaviour. He submitted that some representations had grossly exaggerated this; even larger commercial events do not have the level of crime that they feared. Some representations had implied that the level of stewarding would be insufficient, but it complied with the minimum level recommended by the Police. However, if a higher level seemed necessary after the completion of the event management plan, this would be provided.

There was no evidence that there would be a higher level of danger on the highways in the area because of the event. There was no evidence that cars in the car park would be more at risk of theft than cars in any other car park near a public road. The site would be fenced and access would be controlled and monitored. It had been suggested that a single event per year would constitute a change of use of the field from agricultural to festival use. He considered this a strange statement, and it had no relevance to the issue of public nuisance. The closure of the road through the village for four hours once a year to allow a race did not change the nature of the road. The application was for one Big Sam Jam event per year, not multiple events as wrongly stated by one of the representations. He did not believe that the site was too close to residential properties; the festival field is approximately 350 metres from the nearest road, on which there were three residences. His own house was the nearest to the site. He did not accept that the event was too big for the site; the car park could hold about 400 cars and 200 tents and the licensed area could hold, if necessary, over 5,000 people based on the footprints of similar family events. The event would be for about 800 people. The Shovel Rocks Festival was held on a field less than 10% of the size of that intended for the Big Sam Jam.

Some low-level noise from the PA system would be audible away from the site. He believed that a 23:00 terminal hour for regulated entertainment and a 02:00 terminal hour for the sale of alcohol were appropriate for this type of event and were supported by the Police. The event management plan made provision for waste collection and recycling. Glasses would not be used for the sale and supply of alcohol. It was not true that sewage would run off into the river, as suggested by a representation, and at least sixteen public urinals would be provided. There are four main entry points for the road network leading to the site: Pensford, Charlton Road, Compton Dando and Hunstrete. The event has been staggered to allow for lower traffic levels over the Friday and the Saturday. No bar will be available on the Sunday morning, in part to reduce the likelihood of guests all departing at the same time. There appeared no reason to believe that the event would have a detrimental effect on local farming or livestock. There will be a transport plan as part of the event management plan.

He addressed public safety. Stewarding levels had been set by the Police and would be reviewed as the event management plan developed. Stewards would be on duty for the whole of the event and not just when licensable activities were in progress. First aid would be provided by St John's Ambulance or a similar organisation. There would be a separate entrance, running through his own garden, for use by emergency vehicles. The river would be fenced and monitored by stewards. Vehicles would not be allowed to drive on the site except for entry, exit and parking. He submitted that there was no evidence that the event would encourage drunk driving: public houses operated in the area throughout the year and other festivals took place without particular problems. A camp fire would only be provided under suitable conditions, and would be managed as part of the event with a risk assessment in place. It would not be like the Guy Fawkes bonfires which took place at local public houses and there would be no fireworks. He could see no rationale for the suggestion that odours from catering would reach local residents or that visitors would trespass on neighbouring property.

In relation to the protection of children from harm, safeguards to prevent children from consuming or purchasing alcohol will be in place, including a Challenge 25

policy at the bar and training for stewards to monitor the activities of children. Procedures for drug testing will be agreed with the Police as part of the event management plan. B&NES guidelines for child protection will form part of the event management plan.

Questions from the other persons clarified that alcohol purchased within the licensed area could be taken outside of it in open or closed non-glassware containers, that visitors would not be permitted to bring their own alcohol into the premises, and that the terminal opening hour of 13:00 on Monday given in the Operating Schedule was an error, and that it should be 13:00 on Sunday.

In response to a question from the Deputy Team Leader (Legal) Mr Osborne confirmed that it was intended to operate a Challenge 25 policy, not a Challenge 21 policy as stated on the Operating Schedule. If the application were granted, he would be happy for Challenge 25 to be made a condition.

The Other Persons stated their cases.

Mr Holmes stated that his main concern was public safety. When the applicant had first contacted the parish council, he had no written public safety risk assessment. His plan had no mention of fire safety, or evidence that he had been in contact with the Fire and Rescue Service. The applicant had mentioned sanitation in his submission, but there was no written information about it. He had referred several times to the event management plan, which was not yet completed. He submitted that the event management plan needed to be part of the application for Members to be satisfied that the application was competently prepared. The Chair advised Mr Holmes that this was not the case, and that the event management plan did not have to form part of the application. The Senior Public Protection advised that the event management plan had to be approved by the other competent authorities before the event could go ahead. The application was copied to the Responsible Authorities, who could have made representations at today's hearing. Mr Holmes wished to refer to the Council's Events Policy, but the Deputy Team Leader (Legal) explained that that Policy was separate from the licence application process.

Sally Isles said she was concerned about late-night noise for the two nights of the event, which would affect residents in the vicinity of the site. She was also worried about the risk from bonfires.

Colin Taylor said that he was concerned about noise at night, which could have an adverse impact on the mental health of residents.

Teresa Allward said that she was concerned about the potential impact of noise on residents and local businesses. Who would residents inform if they were experiencing problems because of the event? The Deputy Team Leader (Legal) explained that there was a team within the Council who could be contacted about noise problems. There was also a procedure for reviewing the premises licence. Mr Osborne said that a contact number would be given in the event management plan which could be used by any resident who was experiencing problems during the event. Responding to the Deputy Team Leader (Legal) he said that he would be happy for the provision of a contact number to be made a condition of the licence.

Jonathan Cross said that his main concern was potential noise and disturbance. He submitted the venue was unsuitable because of the proximity of residential properties. It was not reasonable that residents should have to put up with disturbance, given the rural character of the area.

Cllr Sally Davis explained that she was representing Sylvia Box. She submitted that it was not reasonable that some activities would continue until 02:00 on Sunday morning.

The parties were invited to sum up.

Cllr Davis summed up on behalf of the Other Persons. She accepted that a number of issues, such as safety by the river, had been dealt with during the hearing and that there were others that were not relevant to an application under the Licensing Act. She felt it was unfortunate that the completed event management plan was not available. She agreed with the Chair that the event organisers and residents needed to get together to discuss concerns.

Mr Osborne said that he had little to add to his submission. He did understand the concerns of residents and issues which had been raised in today's hearing would inform the event management plan, which was already 400 pages long. He would be happy to share a copy of the event management plan with residents and to meet groups of residents to make sure that their views were taken into account.

Following an adjournment the Sub-Committee **RESOLVED** to grant the application with modifications as detailed below.

### **Decision and reasons: The Big Sam Jam**

Members have determined an application for a new Premises Licence for the The Big Sam Jam, Event Field, Woodborough Mill Barn, Woollard, BS39 4JT. In doing so, they have taken into consideration the Licensing Act 2003, Statutory Guidance, the Council's Policy, Human Rights Act 1998 and case law.

Members are aware that the proper approach under the Licensing Act is to be reluctant to regulate in the absence of evidence and must only do what is appropriate and proportionate in the promotion of the licensing objectives based on information put before them. Members noted that an application must be considered on its own merits.

### **The Applicant**

Mr Edwin Osborne as applicant indicated that The Big Sam Jam mini festival/fair would be an annual, family focused event to promote awareness and raise funds for the Samaritans. The event would take place each year on one weekend in July.

The applicant explained that there would be soft opening for the annual event from late Friday afternoon, with the main event being Saturday. On Sunday there would be a Big Sam Jam breakfast for all those who had stayed over at the site and that the site would be clear of patrons no later than 13:00 on the Sunday. He clarified for the Committee that there was a typographical error at section L of the application form found at Annex A to the committee report as it was indicated that the finish time

for the event would be 1300 hours on Monday when in fact, it would be 1300 hours on Sunday.

The Operating Schedule provides that the premises licence holder shall give two months' written notification of the event to the Police and Licensing Authority; and they shall also supply a copy of the Event Management Plan to the Police at least one Month in advance of the event taking place.

The applicant further indicated that he has experience of hosting previous events in the field in question for local villagers and that he has experience of running pubs, clubs and large horseracing events. He indicated that he did not have previous experience of running a festival but had engaged, or was in the process of engaging, the professional services of Scott McKean as Outdoor Events and Management Consultant – who was in attendance – as well as professionals in stewarding, toilets, refuse and recycling, first aid, power and specialist festival fencing, amongst others. Mr Osborne explained to members that the Event Management Plan already runs to some 400 pages and includes a Traffic Management Plan to deal with on-site and the roads around the premises, albeit they are beyond the premises' control.

In his oral submissions to members Mr Osborne indicated that a Challenge 25 age verification policy was now being offered in place of the Challenge 21 policy specified in the Operating Schedule and that if members were minded to grant to the licence, he was content for that to be made a condition of the licence.

### **Interested Parties/Other Persons**

Eight written representations objecting to the application were received from “other persons” as defined in the Act who collectively raised concerns in relation to all four licensing objectives. In addition to that, a petition with 13 signatures had been received in respect of the prevention of public nuisance and public safety licensing objectives.

Members heard oral representations from 5 people as well as Councillor Sally Davis who was duly nominated as representative for Mrs Sylvia Box. Concerns were expressed that the event would attract criminal behaviour, drug and alcohol abuse, drink and drug driving, drug dealing and that there would be road traffic accidents. The times proposed for the sale of alcohol were said to be inappropriate and too late. One “other person” asserted that underage drinking would occur on the premises. Representations were made that SIA registered staff and 10 stewards referred to in the Operating Schedule were inadequate for the security and safety of patrons. The noise and air pollution that would emanate from the site were cited as a source of public nuisance to neighbouring residents and businesses. The Public Safety licensing objective was referred to with reference to access and egress of emergency vehicles to and from the event.

### **Members**

Members noted that the Licensing Act 2003 is a permissive regime that is intended to minimise the regulatory burden however, the regime also encourages community involvement in licensing decisions giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

In terms of representations, Members noted all written and oral representations. Members also noted that there were no representations from Responsible Authorities in particular the Police, the Fire Service and Public Protection Service. In any event, Members were careful to take account of all representations received and to balance the competing interests. Nevertheless, Members were bound to disregard irrelevant representations which on this occasion related to matters such as traffic movements, the perceived effect of the event on livestock and the use of the land in planning terms.

In all the circumstances Members found the application to be reasonable and they were satisfied that the licensing objectives would be promoted by the conditions to the licence. Members therefore resolve to approve the application with the imposition of conditions consistent with the operating schedule (as amended below), the Mandatory Conditions and the additional condition offered by the applicant to members which they considered to be appropriate and proportionate in the promotion of all four of the licensing objectives:

**Conditions amended on operating schedule as follows:**

“The premises shall operate a “Challenge 21” age verification policy and will display signs advertising this policy at all bar areas” is amended to “The premises shall operate a “Challenge 25” age verification policy and will display signs advertising this policy at all bar areas”.

The finish time shall be amended from 1300 on Monday to 1300 on Sunday.

**Additional condition offered and approved by Members**

The Applicant will ensure that the Event Management Plan includes an up to date contact telephone number for the event which is manned 24 hours a day for the period of event each year. This contact telephone number shall be made available to residents on request also.

Authority is delegated to the Licensing Officer to issue the licence accordingly.

The Other Persons were advised of the Licensing Act Review process which is the key protection mechanism for the community and must be supported with evidence and they were informed that in the event of concerns relating to noise that there is a dedicated council webpage dealing with noise nuisance where they can get more information about making a complaint. Alternatively, they can contact the noise team during office hours on 01225 477551 or the logging service is available out of hours on 01225 477477. The Council does not offer a reactive out of hour’s service.

The meeting ended at 12.50 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

