

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Licensing and Enforcement Sub Committee held at Exmouth Town Hall, Exmouth on 28 August 2019

Attendance list at end of document

The meeting started at 10.30 am and ended at 2.15pm.

59 Minutes of the previous meeting

The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 10 April 2019, were confirmed and signed as a true record.

60 Declarations of interest

There were no declarations of interest.

61 Matters of urgency

There were no matters of urgency.

62 Confidential/exempt items

There were no confidential items.

63 To consider an application for the grant of a time limited premises licence to allow the provision of recorded music, live music and the sale of alcohol for consumption ON the premises at H fest, Halsdon Farm, Mudbank Lane, Exmouth, EX8 3EG. The application is to cover the period 30 August - 31 August 2019

The Sub Committee gave consideration to an application for the grant of a time limited premises licence to allow the provision of recorded music, live music and the sale of alcohol for consumption ON the premises at H fest, Halsdon Farm, Mudbank Lane, Exmouth EX8 3EG.

The Sub Committee carefully considered the application with the amendments the applicant had now offered for the licensable activities and the extension of proposed hours of operation with a view to deciding whether the application promoted the licensing objectives as required by the Licensing Act 2003. They also took into account Government Guidance and the Council's own licensing policy and the Human Rights Act 1998 in making this decision.

The Sub Committee considered the relevant representations that all parties had made and the written representations and other documentation put before the Sub Committee. They also considered the particular locality of the premises on the edge of Exmouth close to residential housing, and it was noted that some of this was sheltered housing.

The Sub Committee considered it relevant the police mediated with the applicant in relation to the Licensing Act objectives, which were – public safety, public

nuisance and crime and disorder and as result an agreed position was reached in relation to the hours of operation relating to the sale of alcohol, drinking up time and premises closure.

The applicant's case was on paper that an Event Management Plan version 5 had been submitted with the papers prior to the hearing which set out the organisation of the event in detail, this included a Risk Management Plan.

At the hearing, Mr George Nightingale stated that he had run community events for 4-5 years which included a TEN for an event held on the site in 2018. This event had raised £15,000 for RMA charities relating to the rehabilitation of wounded and sick marines.

An Event Management Plan version 5 had been submitted with the papers prior to the hearing which set out the organisation of the event in detail, this included a Risk Management Plan.

Cpt Paul Fleet RM stated H Fest was aimed at being a family event for the Exmouth community with a specific focus on the RM families who have historical links with the town. This was an event that would grow the work of RMA charities.

Andrew Lamont, National trust leaseholder at Lower Halsdon Farm also confirmed the benefits he had seen from the family event, he also referred to the covenant on the land to provide community activities for the community. He commented on the security of the site, the event site was protected by stock fencing and hedging around the perimeter, and this would prevent unwanted incursions from non-ticket holding attendees.

Current ticket sales as at the hearing were 236 for the two day event, but this was expected to double to 500-600 attendees, people arriving on the day.

Environmental Health commented on the requirements for noise monitoring on the site throughout the event and requested digital recording information to be sent to EDDC by close of business on 2nd September.

The interested parties' case was on paper, firstly in relation to the prevention of crime and disorder, a festival going on for 12 hours with loud non-stop music and alcohol available all day leading to rowdy festival goers causing vandalism to property/vehicles, and people being sick in the street.

Regarding public safety, lots of properties' rear gardens backed onto the festival site. Residents feel unsafe when strangers can gain access to their properties and could force entry.

Regarding the prevention of public nuisance, loud music until midnight and a great number of people talking loudly, shouting until well after midnight in a residential area was unacceptable. The event should finish by 10pm. Residents would still suffer loud noisy drunken people leaving the venue. Not all will camp for 2 days.

At the hearing they added that they were concerned about the appropriateness of the location, the concerns about noise nuisance, parking in Halsdon Avenue/Mudbank Lane, the late hour of the sale of alcohol, glass bottles being left on site, the access and egress on and off the site for vehicles and the lateness the

event would finish on each day. The effect on the long term health of vulnerable local residents.

The Sub Committee had carefully considered the operating schedule put forward by the applicants and the likely impact of the application. In relation to the evidence members heard regarding the premises, it was considered that the event would be well managed and controlled with appropriate policies in place and adequate supervision from line management. The had gained confidence during the hearing that the applicant had listened to the interested parties' concerns and had been flexible and accommodating in making compromises to alleviate perceived and undue concerns.

The Sub Committee did note accept that there was evidence of a significant public nuisance, risk to crime and disorder and risk to public safety arising from the proposed operation of the premises. They had however, taken into account the concerns of local residents about the operation of the event by ensuring that suitable conditions were imposed and that the operating hours were not unreasonably late.

All parties were reminded of the closure and review powers which the government brought into force once the new licences were operational from 24th November 2005. Premises which do not operate in an acceptable way in terms of the licensing objectives may in extreme cases be closed down by police action or have their scope of operation reduced by the licensing authority.

Whilst acknowledging the concerns expressed by the interested parties before the Sub Committee, they believed that the concerns expressed in representations had been addressed by the hours of operation for the licensable activities and the conditions imposed which had been tailored to the size, characteristics and activities on the premises, which were believed to be necessary and proportionate.

RESOLVED 1.that the premises licence be granted as follows:

- a) The extent of the areas within which the various licensable activities will be permitted is as indicated on Plan 4 of version 5 of the Event Management Plan, dated 19th August 2019.
- b) Permitted hours for the various licensable activities will be: Friday Gates open to the public at 3.00pm. Amplified music from 3.00pm to 10.00pm with 30 minutes of respite between each act, no music between each act.

Alcohol sales from 3.00pm to 11.00pm, 30 minute drinking up time until 11.30pm, event closes at midnight.

Saturday Gates open to the public at 10.00am, amplified music from 12.00 to 10.30pm with 30 minutes of respite between each act, no music between each act.

Alcohol sales from 11.00am to 11.00pm, 30 minute drinking up time until 11.30pm, event closes at midnight.

- c) Appendix H conditions offered and de-rigging event debriefing of site to commence from 9.30am on Sunday 1st September.
- d) Festoon lighting to be switched off by 1.00am
- e) Sound measuring locations with sound level readings set at 65dba. 15 minute LAeq and measurements to be sent to Environmental Health the next working day, readings to be taken until 30 minutes at the end of the event on each night. No music allowed on the camp site overnight.
- f) All details of the 9 SIA staff to be supplied to the Licensing Authority no later than 9.00am on Friday 30th August.

2. The Designated Premises Supervisor would be George Nightingale of 43 The Strand, Exmouth, EX8 1AL.

Attendance List

Councillors present:

K Bloxham (Vice-Chairman)
P Jarvis (Vice-Chairman)
Jack Rowland

Councillors also present (for some or all the meeting)

Maddy Chapman

Officers in attendance:

Giles Salter, Solicitor
Steve Saunders, Licensing Manager
Jill Wheller, Environmental Health Officer
Lucy Maxwell, Licensing Officer
Chris Lane, Democratic Services Officer

Chairman

Date: