

WEST OXFORDSHIRE DISTRICT COUNCIL
LICENSING PANEL: TUESDAY 31 JANUARY AT 1200HRS
APPLICATION FOR A VARIATION OF A PREMISES LICENCE
UNDER THE LICENSING ACT 2003
REPORT OF GROUP MANAGER FOR ENVIRONMENTAL AND REGULATORY
SERVICES

(Contact: Michelle Bignell Tel: (01993) 861000)

1. PURPOSE

To consider and determine an application made to the Council in its capacity as Licensing Authority for a variation to an existing premises licence under the Licensing Act 2003.

2. RECOMMENDATION

That the Panel considers and determines the application made to the Council, outlined in the Appendix attached to this report.

3. BACKGROUND

3.1. The Council has received the following application for a variation to an existing premises licence:

- Big Festival, Churchill Heath Farm, Kingham, Chipping Norton OX7 6UJ (Appendix A)

The application is for :-

Increase the number of persons from 19,999 to 24,999 (5,000 increase)

Live Music extension from 23.00 – 01.00 hours (Friday and Saturday) and 23.00 – 23.30 hours (Sunday)

(A copy of the original premises licence is attached at Appendix B).

(A location plan is attached at Appendix C).

(A copy of the last residents meeting minutes are attached at Appendix D).

3.2. The application has been processed in accordance with the Licensing Act 2003 Regulations.

3.3. The application is being brought before the Panel because the Group Manager for Environmental and Regulatory Services does not have delegated authority to grant a licence as objections have been made during the consultation process.

3.4. Consultation has taken place with:

- the local ward councillor(s)
- Oxfordshire County Council - Fire and Rescue Service
- Oxfordshire County Council – Trading Standards
- NHS
- Thames Valley Police

- The relevant Town and or Parish Council(s)
 - West Oxfordshire District Council – Licensing
 - West Oxfordshire District Council – Environmental Health
 - West Oxfordshire District Council – Planning Services
- 3.5. In addition, the applicant has advertised the application by way of a notice displayed at the premises for 28 consecutive days and published notice of the application in a local publication within ten days of making the application.
- 3.6. West Oxfordshire District Council has received 4 representations from residents (Other Persons) during the consultation period (attached at Appendix E).
- 3.7. 2 representations were also made by Idbury and Churchill & Sarsden Parish Councils (attached at Appendix F).
- 3.8. A summary of comments is included at Appendix G.
- 3.9. No representations were made by any of the Responsible Authorities under the Act. Conditions were agreed by the Council’s Environmental Health Officer:
- Any Live music between 23:00 and 01:00 shall be Unamplified and acoustic only
 - Between 23:00 hours and 01:00 hours* the Music Noise Level of the Licensed Event, when predicted at the planning stage or measured during the sound tests, rehearsals or the Licensed Event proper, shall not exceed the following noise levels when measured one metre from the façade of any premises deemed to be a noise sensitive premises as agreed with the Licensing Authority or at any level at any proxy measuring position as agreed with the Licensing Authority

Event date	Noise Limit	63Hz or 125 octave bands**
Friday August 2017	40 dB LAeq,(5 minutes)	55 dB Leq,(5 minutes)
Saturday August 2017	40 dB LAeq,(5 minutes)	55 dB Leq,(5 minutes)
Sunday August 2017	40 dB LAeq,(5 minutes)	55 dB Leq,(5 minutes)

** At a distance of 2km or more from the festival site.

*The termination hour of live unamplified music shall be 22:30hrs on a Sunday evening if it is not a Bank Holiday weekend.

- There shall be a residents contact hotline for reporting and responding to noise complaints throughout the course of the Event

4. ALTERNATIVES/OPTIONS

- 4.1. The Panel must consider the following when determining the application:
- The Licensing Act 2003
 - Guidance issued under Section 182 of the Licensing Act 2003
 - Regulations issued under the Licensing Act 2003
 - The Councils Statement of Licensing Policy

- 4.2. The Panel may attach reasonable conditions to the licence that address the licensing objectives, i.e:
- The protection of children from harm
 - Public safety
 - Prevention of public nuisance
 - Prevention of crime and disorder
- 4.3. Any party has a right of appeal to the Magistrates Court against the decision of the Panel in respect of an application. Not only does this include an appeal against refusal, it also includes the right to appeal against the imposition of one or more conditions.

5. FINANCIAL IMPLICATIONS

There are no direct financial implications arising from the consideration of the variation application. However, any appeal to the Magistrates' Court against conditions imposed or against the refusal of any application or against a refusal to vary conditions could result in the Council having to bear the legal costs incurred in defending its decision.

Group Manager for Environmental and Regulatory Services

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Date: 13 January 2017

Background Papers:

None