

## WEST OXFORDSHIRE DISTRICT COUNCIL

### Minutes of the meeting of the **Licensing Panel**

Held in the Council Chamber, Woodgreen, Witney at 10.00 am on **Friday, 3 September 2021**

#### PRESENT

Councillors: Councillor Norman MacRae MBE (Chairman), Councillor Mike Cahill and Councillor Ted Fenton.

Officers: Michelle Bignell (Service Leader (Licensing)), Helen Blundell (Principal Solicitor, Land, Legal and Property), Andrea Thomas (ERS Officer, Professional Services), Neil Shellard (ERS Senior Officer) and Amy Bridgewater-Carnall (Senior Strategic Support Officer).

#### **1 Apologies for Absence and Temporary Appointments**

An apology for absence was received from Councillor Postan and Councillor Cahill substituted for him.

#### **2 Declarations of Interest**

There were no declarations of interest received.

#### **3 Application for a New Premises Licence for Witney Music Festival Ltd**

The Panel received a report from the Group Manager of Residents' Services asking them to consider an application for a new premise licence in relation to a one day event run by Witney Music Festival Ltd.

The application had been submitted by Mr Eric Marshall on 12 July 2021. The event would take place on Church Green, Witney and would provide entertainment and the sale of alcohol (on the premises) from midday to 2200hrs (alcohol sales to cease at 2145hrs) on the 25 September 2021 for up to 5000 people.

No objection had been received from Thames Valley Police, however, representations had been received from the Council's Technical Pollution Services Team and a copy of this was attached as Annex B to the report. In response, the applicant submitted a Noise management plan which was attached at Annex C.

During the consultation period, Oxfordshire Fire Authority had requested further information from the applicant and were awaiting a response. A copy of their request was attached at Annex D to the report.

Objections had been received from eleven local residents and the local Ward Member, Councillor David Harvey and were detailed in Annex E to the report. The report summarised the main objections at section 4.6 of the report along with an explanation of which concerns could not be taken into consideration under the Licensing Act.

The Licensing Officer, Andrea Thomas, outlined the report and explained that an original date for the event of 21 August 2021 had been amended to 25 September 2021 due to the timescales involved. She explained that a larger scale version of this event was normally held on The Lees, in Witney. Ms Thomas highlighted the eleven objections received plus those from the Environmental Health officer, Witney Town Council and the Fire Authority.

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In response to a question from the Chairman, the representative from the Fire Authority, Mr Lee advised that no response had been received from the applicant following the request for further information.

The applicant, Mr Marshall, addressed the meeting and thanked officers for allowing him time to respond to the objections. He felt that there was a general misunderstanding about what the event was hoping to achieve, which was a community event, to say thank you to the residents of Witney and to encourage footfall within the town. He described the event as a large scale busking event where music would be played for people to enjoy. There would not be a fairground, no stalls and he confirmed they would be content to remove the request to sell alcohol to encourage visitors to use the pubs in the town. He reiterated that the organisers had a good track record of putting on this event and it was well managed.

The Chairman, Councillor MacRae queried the application to have a bar on site and Mr Marshall confirmed this provision could be removed from the application. In response to further questions from the Chairman, Mr Marshall advised that they would expect a lower rate of attendance, in the region of one to two thousand people, and described it as a transient audience. He advised that the previously held event on the Lees did not achieve higher than a four thousand attendance and this was expected to achieve much lower.

The legal officer, Mrs Blundell provided advice to the Panel on bylaws for the land which did not relate to the Licensing Objective. The site was common land and the restrictions placed on it with bylaws would be a matter for the applicant to resolve with the landowner.

Mr Marshall advised that they would not be allowing intoxicated people on site, bottles and cans would not be permitted and the security staff would monitor behaviour, with a view to ejecting any individuals causing trouble.

In response to a query from Councillor Fenton, Mr Marshall explained that the request to 2200 hours would benefit the pubs and restaurants, attendees would be counted in and out of the event and signage would be used to clearly designate the entrance, exits and expected behaviour.

Councillor Cahill raised issues relating to discussions with the Police, how residents of Church Green would access their properties and how the traffic and people would be managed on the road around the site. Mr Marshall explained that discussions had been held with the Police who had been content with the application subject to the erection of a fence around the event which they felt would avoid closure of the road.

Councillor MacRae was concerned that people attending the event could end up congregating on the pavements if the pubs were full and reminded the meeting that the SIA security staff would have no control on public nuisance outside of the event area.

Following a question from Councillor Fenton, Mr Marshall explained that The Lees site was not being used this time due to the costs involved and reiterated that this was not a music event and would be much smaller than the previous, annual events.

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The Chairman invited the Environmental Health Officer, Neil Shellard to outline his objections to the application. Mr Shellard began by providing an explanation of how sound is measured and the figures quoted in the report. He then went on to explain his concerns which included the nature of the long narrow space with properties located on either site, the reverberation effect, and the potential for noise complaints to the Council. He did not feel the site was viable for a music festival and despite the constructive discussions between the applicant and officers, it was unlikely that the sound limit of 55 decibels agreed would be achievable and would still be very audible to residents. He acknowledged the submission of the Noise Management Plan but highlighted the lack of modelling contained in it.

Councillor Cahill noted that the applicant did not wish the event to be classed as a music festival and was advised that the level of sound from a male speaking voice was 65 to 70 decibels.

The Chairman invited the Fire & Rescue service representative, Mr Lee to outline their objection. Mr Lee confirmed that despite the request for further information, this had not been forthcoming. As a result, the Fire Service were unable to reach a decision on the application. He confirmed that the applicant needed to provide confirmation of the following; occupancy numbers, the measurement of the exit and entry points, confirm the electrical equipment to be used on site and provide PAT testing information, an event plan to include proposals for emergency services access and rendezvous points. Mr Lee signposted Mr Marshall to the Fire Services guidance on "Open Air Events" which covered everything an event organiser needed to provide.

Mr Paul Graves, a resident of Church Green outlined his objection which covered the location of the event, the lack of businesses supporting the event, the impact on traffic and parking and a potential lack of toilets. Mr Graves referred to the number of resident's letters submitted and how the main concern being raised was the noise disturbance that would be encountered. He queried the decibel level and how this would be controlled and managed; the level of advertising on social media and how the organisers planned to control numbers attending and highlighted the issue of music festivals and the impact on people contracting Covid-19.

The Chairman highlighted that Covid-19 did not fall under the licensing objectives.

In response, Mr Marshall assured the meeting that he was very aware of the challenges and concerns of local residents and advised that they would do everything possible to minimise the risks. He highlighted that not all residents of Church Green were in objection and some were even participating in the event. He stated that this was a public space for public use and the decibel level would be monitored and managed using a roaming sound monitor. He reminded the panel that this was a one off event .

Prior to summing up, the Licensing Officer advised the panel that Witney Town Council had submitted a response and they were not supportive.

The Chairman invited Mr Marshall to sum up. He recognised that there was uncertainty about the event and made assurances that the event organisers had the communities benefit at heart. He highlighted that Witney Town Council were part financing the event and it was hoped the

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event could return to The Lees in the future. He thanked the Panel and officers for their time and hoped the one off event could be enjoyed for the benefit of the community.

The Panel retired at 11.13am to consider their decision along with the Principal Solicitor and Strategic Support Officer.

The Panel returned at 11.29am and their decision was read out by the Chairman as follows:

“We have listened and read all of the information today and our decision is based on the licensing objectives of Public Safety and Public Nuisance.

There are too many unanswered Public Safety issues that have not been covered and the applicant has not provided sufficient evidence to support the application. Oxfordshire Fire and Rescue advised that they were unable to support the application on Public Safety grounds as the organisers had failed to provide documentation required under the regulations.

Moving to the issue of Public Nuisance, the Council’s Environmental Health Officer stated that the sound plan was unworkable, of a poor standard and contained no modelling.

The Panel are therefore not satisfied that the Licensing Objectives have been met and the application does not promote Public Safety. For these reasons, we are not going to grant the application.”

It was therefore,

**RESOLVED** that the application be refused.

The Chairman advised the applicant that he would receive formal notice of the decision within five working days and reminded him of his right to appeal.

The Meeting closed at 11.31 am

CHAIRMAN