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LICENSING & APPEALS SUB-COMMITTEE

Minutes of a Meeting held on Wednesday 31 May 2017 in the Council Chamber, Town Hall, Matlock at 10.30am

PRESENT

Councillor Angus Jenkins - In the Chair

Councillors Joyce Pawley and John Tibenham

Lisa Gilligan (Solicitor), Eileen Tierney (Licensing Manager) and Annette Reading (Democratic & Electoral Services Assistant)

David Walker, representative of Coombs Road & Brooklyn Bank Residents Association

Paul Henocq, John Gaunt & Partners Solicitors

Alex Buchanan, Events Director of Thornbridge Hall Country House Brewing Limited

Gareth Roberts, Events Manager

Stacey Lindfield (Senior Licensing Assistant) attended as an observer

14/17 – ELECTION OF CHAIRMAN

It was moved by Councillor John Tibenham, seconded by Councillor Joyce Pawley and

RESOLVED
(Unanimously)

That Councillor Angus Jenkins be elected as Chairman of the Sub-Committee

15/17 – APPLICATION FOR A NEW PREMISES LICENCE UNDER SECTION 17 OF THE LICENSING ACT 2003 – THORNBRIDGE HALL COUNTRY HOUSE BREWING COMPANY LIMITED

The Sub-Committee considered an Application for a Premises Licence to allow an event known as the Peakender Festival, to take place annually on Bakewell Showground.

The Chairman invited the participants to introduce themselves, asked whether any party wished the Committee to consider the application in private and confirmed that the Committee was quorate.

The Licensing Manager gave an outline of the application.

The Committee and the other parties were afforded an opportunity to request clarification of the Licensing Manager's report.

Mr Walker was invited to make his representations to the Committee.

The Committee had an opportunity to question Mr Walker. The representative of Thornbridge Hall Country House Brewing Company Limited, Mr Paul Henocq of John Gaunt Solicitors, was also afforded the opportunity to request clarification of any points.

Mr Henocq then presented his case on behalf of Thornbridge Hall Country House Brewing Company Limited calling Mr Buchanan and Mr Roberts as witnesses.

The Committee had an opportunity to question the Thornbridge Hall Country House Brewing Company Limited representatives.

All parties were afforded an opportunity to request clarification of any points.

The Committee members confirmed that they had sufficient information to make a decision and withdrew into private session to discuss their findings.

16/17 – DECISION

The Sub-Committee resumed in public session.

It was moved by Councillor Angus Jenkins, seconded by Councillor John Tibenham and

RESOLVED (Unanimously) That having considered all the evidence put before it the Sub-Committee has determined that:

1. The application for a premises licence to allow the Peakender Festival Event to take place annually on Bakewell Showground, be granted.
2. To ensure the promotion of the licensing objectives the imposition of the following conditions on the licence is necessary:

The Prevention of Crime and Disorder

1. The deployment of highly visible and trained (and where appropriate SIA registered) staff ensuring effective supervision at all times.
2. The use of security staff will be risk assessed on an ongoing basis by the Licence Holder of the premises and the DPS. Where engaged, those security staff shall be licensed by the Security Industry Authority.
3. Staff will receive training on matters concerning underage sales, drugs policies, and operating procedures. The premises shall operate a proof of age scheme and will require photographic identification from any person who appears to be under the age of 21 years.
4. The management of the Event will liaise with Police on issues

of local concern or disorder.

5. There shall be no drinks promotions at the site which are inconsistent with the need to promote responsible drinking.

Public Safety

1. To comply with the requirements of the Fire Officer.
2. The premises will have adequate safety and firefighting equipment and such equipment will be maintained in good operational order.
3. Staff will be trained on matters of safety, evacuation and use of emergency equipment as required.

The Prevention of Public Nuisance

1. Prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly.
2. Patrons will be encouraged by staff to leave quietly and respect the interests of the occupiers of any nearby properties.
3. Music noise levels shall not exceed an agreed level with the District Council's Environmental Health Officer at any noise sensitive property, to include liaison with the Coombs Road and Brooklyn Bank Residents Association. The background noise level must be measured and agreed with the District Council's Environmental Health Officer prior to the event taking place.
4. No later than 2 months prior to the event, each year, a Noise Management Plan (NMP) shall be submitted to the Licensing Authority, as part of the Event Safety Management plan.
5. The NMP will include as a minimum:
 - Timings for all regulated entertainment and performances, rehearsals and sound checks.
 - Details of noise control procedures, compliance monitoring and intervention actions for all regulated
 - Entertainment performances, live rehearsals and sound checks.
 - Details of compliance reporting.
 - Details of a complaint handling procedure and the steps to be taken to resolve those complaints.
 - The Licensee shall comply with the measures set out in the agreed final Noise Management Plan.

The Protection of Children from Harm

1. There shall be adequate controls in place including staff training to safeguard against the sale of alcohol to persons under 18 years of age.
2. A designated lost child point with appropriate staff policies and procedures shall be in operation.

FURTHER CONDITIONS

A final Event Safety Management Plan will be submitted to the Responsible Authorities no later than **two months** prior to the event, each year, for their approval, regarding their respective areas of expertise.

- This plan will address how security is to be managed on the site for the duration of the event;
- There will be a system whereby tickets are sold in advance of the event. If the event capacity is reached by advance ticket sales this will be notified on the company website.
- The plan will also address how the Event Organiser will have in place a wristband scheme for under 18s – with a different one for anyone over 18 years old. This will ensure that anyone under age is not served alcohol at the bar outlets.
- Subject to DESAG discussions there needs to be an entrance and exit to the site via the A6 (avoiding Coombs Road if possible), to be able to control public access and egress - and these entrance/exit points will be managed by security/stewards. This will include the entrance into the main arena from the campsites.
- A Drugs Policy and a Safeguarding Policy must be included as part of the Event Safety Management Plan.
- The applicant will take into account that a police presence at the event is not guaranteed.

Full Decision Notice is attached below.

Meeting Closed 1.45pm

LICENSING & APPEALS COMMITTEE DECISION

(Licensing Act 2003)

Record of proceedings of Derbyshire Dales District Council's Licensing & Appeals Sub-Committee held on Wednesday 31 May 2017 at 10.30am

Full name of Applicant: Thornbridge Hall Country House Brewing Company Limited

Premises Address: PeakEnder Event, The Showground, Bakewell, Derbyshire, DE45 1AQ.

Reason for attendance at the Sub Committee: To determine an application for a Premises Licence

CONSTITUTION OF COMMITTEE

Councillor Angus Jenkins (Chair)

Councillor Joyce Pawley

Councillor John Tibenham

REPRESENTATIONS MADE BY

Mr David Walker on behalf of Coombs Road & Brooklyn Bank Residents Association

NAMES OF OTHERS PRESENT (WRITE "NONE" WHERE APPROPRIATE)

Lisa Gilligan - Solicitor

Eileen Tierney – Licensing Manager

Annette Reading – Democratic & Electoral Services Assistant

Stacey Lindfield – Senior Licensing Assistant (to observe).

PREMISES REPRESENTATIVES

In person

Paul Henocq of John Gaunt & Partners Solicitors

Alex Buchanan, Events Director of Thornbridge Hall Country House Brewing Limited

Gareth Roberts, Events Manager

1. The meeting was conducted in public, with the agreement of all parties.

The Sub-Committee withdrew into private session to consider its decision and were advised by the Sub-Committee legal representative that only evidence that was relevant to the four licensing objectives could be taken into consideration and that it was important that any conditions attached to a licence should be to promote the licensing objectives.

2. Chairpersons note of evidence (i.e. concise details of all oral and written details put before the Committee)

The Committee considered the report and comments made by the Licensing Officer.

The Committee listened carefully to the representation by Mr Walker on behalf of Coombs Road and Brooklyn Bank Residents Association. He explained why the residents were more and more concerned about the intensification of the use of the showground and the degrading effect it has had on them over the last 10 years.

He gave evidence of disturbance from noise nuisance and traffic congestion. Mr Walker addressed the Committee on the Applicant's Skeleton Argument questioning its accuracy, lack of evidence and pointing out residents own experiences over many years which contradicted many of the points made within the Skeleton Argument.

Mr Walker raised within his evidence the fact a noise report had been commissioned at one such resident's property which appeared to confirm acceptable noise levels within the property. However Mr Walker pointed out that in such a report it is presupposing that residents will stay inside their premises. Mr Walker stated that this was not the case as residents wanted to be able to enjoy their gardens without being disturbed.

The only question put to Mr Walker was from Mr Henocq, asking him to clarify which noise report he was referring to as this was not a document submitted to the hearing or the Committee for consideration.

The Committee then heard from Mr Henocq on behalf of the Applicant. He explained that this was a transition for the event which had previously taken place at Thornbridge Hall. The event was not just to promote goods of Thornbridge Brewery but also to provide access to the activities and businesses in the wider community. The business mantra innovation, passion and knowledge was behind everything the business did.

Mr Henocq then directed the Committee to Mr Roberts's CV. Mr Roberts confirmed his experience to the Committee by expanding on the details given within the CV.

Mr Roberts was questioned by both the Committee and Mr Walker on the following points:

- Likely capacity figure
- Traffic travelling down Coombs Road
- Experience of previous events with alcohol
- Experience of previous events with overnight camping
- Management of guests arriving without tickets.

Mr Buchanan also addressed the Committee in relation to the history of the company and the importance of the event.

In summary Mr Henocq asked the committee to consider:

- Comments of Responsible Authorities
- Conditions agreed with the Police
- DESAG meeting scheduled
- Review process

3. Findings of the Sub-Committee on questions of fact material to the decision (i.e. the relevant facts accepted from the evidence available)

The Sub-Committee found that:

The Applicant had volunteered conditions within the operating schedule part of the application and these had been modified in agreement with the Police and were accepted by the Licensing Officer

There were no further representations from any of the Responsible Authorities.

The applicant will attend a meeting of the Derbyshire Event Safety Advisory Group (“DESAG”), before the end of June. The multi-agency group will advise the applicant on how to tailor the event safety management. The DESAG comprises the relevant Responsible Authorities and other statutory bodies, including Highways and the Ambulance Service.

Mr Walker a long-term resident of Coombs Road, representing Coombs Road and Brooklyn Bank Residents Association gave evidence of the current level of noise nuisance and disruption including traffic congestion to the residents as a result of the use of Bakewell Showground.

Thornbridge Brewery have previously held events at Thornbridge Outdoors.

Mr Gareth Roberts (Events Manager) confirmed the evidence outlined in his lengthy CV in relation to his previous experience in event management.

No more than 5,000 people to attend the event.

A system will be put in place to purchase tickets in advance of the event.

Mr Roberts confirmed when questioned that if a road diversion were put in place to divert traffic it would be prevented from travelling down Coombs Road.

4. Full text of unanimous decision

Reasons for Decision

Having considered all the evidence put before it the Sub-Committee has determined that:

1. The application for a premises licence for Peakender Festival event be granted.
2. To ensure the promotion of the licensing objectives the imposition of the following conditions on the licence is necessary:

The Prevention of Crime and Disorder

6. The deployment of highly visible and trained (and where appropriate SIA registered) staff ensuring effective supervision at all times.
7. The use of security staff will be risk assessed on an ongoing basis by the Licence Holder of the premises and the DPS. Where engaged, those security staff shall be licensed by the Security Industry Authority.
8. Staff will receive training on matters concerning underage sales, drugs policies, and operating procedures. The premises shall operate a proof of age scheme and will require photographic identification from any person who appears to be under the age of 21 years.
9. The management of the Event will liaise with Police on issues of local concern or disorder.
10. There shall be no drinks promotions at the site which are inconsistent with the need to promote responsible drinking.

Public Safety

4. To comply with the requirements of the Fire Officer.
5. The premises will have adequate safety and firefighting equipment and such equipment will be maintained in good operational order.
6. Staff will be trained on matters of safety, evacuation and use of emergency equipment as required.

The Prevention of Public Nuisance

6. Prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly.
7. Patrons will be encouraged by staff to leave quietly and respect the interests of the occupiers of any nearby properties.
8. Music noise levels shall not exceed an agreed level with the District Council's Environmental Health Officer at any noise sensitive property, to include liaison with the Coombs Road and Brooklyn Bank Residents Association. The background noise level must be measured and agreed with the District Council's Environmental Health Officer prior to the event taking place.
9. No later than 2 months prior to the event, each year, a Noise Management Plan (NMP) shall be submitted to the Licensing Authority. As part of the Event Safety Management plan.
10. The NMP will include as a minimum:
 - Timings for all regulated entertainment and performances, rehearsals and sound

checks.

- Details of noise control procedures, compliance monitoring and intervention actions for all regulated
- entertainment performances, live rehearsals and sound checks.
- Details of compliance reporting.
- Details of a complaint handling procedure and the steps to be taken to resolve those complaints.
- The Licensee shall comply with the measures set out in the agreed final Noise Management Plan.

The Protection of Children from Harm

2. There shall be adequate controls in place including staff training to safeguard against the sale of alcohol to persons under 18 years of age.
3. The operation of a designated lost child point with appropriate staff policies and procedures.

FURTHER CONDITIONS

A final Event Safety Management Plan will be submitted to the Responsible Authorities no later than **two months** prior to the event, each year, for their approval, regarding their respective areas of expertise.

- This plan will address how security is to be managed on the site for the duration of the event;
- There will be a system whereby tickets are sold in advance of the event. If the event capacity is reached by advance ticket sales this will be notified on the company website.
- The plan will also address how the Event Organiser will have in place a wristband scheme for under 18s – with a different one for anyone over 18 years old. This will ensure that anyone under age is not served alcohol at the bar outlets.
- Subject to DESAG discussions there needs to be an entrance and exit to the site via the A6 (avoiding Coombs Road if possible), to be able to control public access and egress - and these entrance/exit points will be managed by security/stewards. This will include the entrance into the main arena from the campsites.
- A Drugs Policy and a Safeguarding Policy must be included as part of the Event Safety Management Plan.
- The applicant will take into account that a police presence at the event is not guaranteed.

Reasons for Decision

The Committee gave weight to the representation made by Mr Walker but were satisfied following the consideration of oral and written submissions on behalf of the Applicant, that the application should be granted.

However to ensure the promotion of the licensing objectives and in particular to minimise nuisance and disturbance to local residents, the Committee were of the opinion that conditions should be imposed on the Licence.

The Committee noted the agreement reached with the Police, together with the conditions included within the application.

The Committee were also mindful of the Licensing Officer's comments in relation to the advisory role that the DESAG will play in the event planning.

Mr. A. L. T. [Signature]

Chairman

Date 22nd June 2017.