

Aylesbury Vale District Council

DECISION OF THE LICENSING ACT SUB-COMMITTEE FOLLOWING A HEARING ON 6 MARCH 2014 AT THE COUNCIL'S GATEWAY OFFICES, GATEHOUSE ROAD, AYLESBURY

Application by Halo Events Limited for a premises licence for land at the rear of The Retreat, Buckingham Road, Little Horwood, Buckinghamshire MK17 0PX

Members of the Sub-Committee

Cllr Peter Cooper (Chairman)

Cllr Steven Lambert

Cllr Michael Hawkett

Declaration of interest

None

The application

The Sub-Committee has given careful consideration to the application before it, namely, to grant a premises licence for land at the rear of The Retreat, Buckingham Road, Little Horwood which according to the application is used as a camping site for people visiting the area for concerts at the Milton Keynes Bowl.

In general terms the application seeks permission for the provision of live and recorded music (19.00-03.00), the sale of alcohol (11.00-03.00) and the provision of late night refreshment (23.00-05.00) every day. It is intended by the applicant to use the permissions to support a temporary campsite on the land to the rear of The Retreat for customers attending concerts at the near-by Milton Keynes Bowl.

The application received a representation from environmental health relating primarily to noise management but also water sampling and catering concessions. The applicant agreed all the conditions recommended by environmental health and confirmed that the application should be treated as amended accordingly. Six representations were received from other parties. The main concerns and objections related to nuisance and disturbance: principally noise, traffic, parking and anti-social behaviour.

The applicant, Halo Events Limited was represented at the hearing by Tania McIntosh and Jack Osborn. Also present at the hearing was John Hamilton representing Nash Parish Council and a number of other parties who could not be present, namely Anna Taylor of Konzept Travel Limited, Margaret Hedges and Great Horwood Parish Council. Also present was Mary Arnold, the Chairman of Little Horwood Parish Council and Alan Taylor, the Chairman of Nash Parish Council. Apologies were received in advance of the hearing from John Abra.

Peter Seal, the Council's Licensing Services Manager presented the application to the Sub-Committee and parties present. He mentioned that it was his understanding that the application submitted was wider in scope than the applicant's intended use of the

permissions and that limiting its scope should be explored. Mr Seal also pointed out that the applicant had submitted a detailed Event Management Plan which for the purpose of the application would be the 'de facto' operating schedule.

Mr Hamilton stated that he had a number of concerns arising from the application, namely, the impact on an adjacent coach business, Konzept Travel Limited and in particular difficulties relating to the access to the business when events at The Retreat were held.

Mr Hamilton reminded the Sub-Committee that the application was open ended and that if the permissions sought were needed in conjunction with events at Milton Keynes Bowl, there was no need for a licence Mondays to Thursdays.

Mr Hamilton was not satisfied with the noise management arrangements agreed between the applicant and environmental health and required the event to be inaudible after 11.00 p.m.

Finally Mr Hamilton expressed concerns regarding the general development of the site and ultimately a change of planning use.

Mrs Arnold repeated worries about traffic management, with potential queues that might back up on to the adjacent A421. She pointed out the closeness of neighbouring properties and the potential for noise disturbance and expressed concerns regarding public safety. Mrs Arnold expressed the view that the Event Management Plan was not sufficiently rigorous.

The applicant represented by Jack Osborn specifically addressed the various concerns expressed by the other parties using a short DVD presentation which depicted the journey from the Buckingham Road directly onto the land at the rear of The Retreat. This virtual tour of the surrounding area and the site itself was illuminating.

Mr Osborne pointed out that the access road was wide enough for two vehicles to pass simultaneously and as vehicles entering the site were 'one way only' it would not obstruct the access to neighbouring properties. The Sub-Committee and the parties were shown an e-mail from the direct neighbour of The Retreat, another business, Cars and Vans R Us Limited who also share the access road. Alan Kyson, the Managing Director of the company supported the application and disputed any issues raised by the other parties. The applicant had discussed traffic management arrangements with Thames Valley Police and Bucks for Transport who were content with the arrangements and had not made a representation.

Mr Osborne confirmed that they had agreed the conditions recommended by the environmental health officer, that they would monitor noise levels throughout the events and that Halo Events Limited were in control of the sound system.

Concerns expressed by Mrs Arnold regarding the size of the marquee being inadequate for the numbers expected were dealt with by Mr Osborne who said that not all those attending would use the marquee and that the sides of the marquee could be lifted if necessary.

Mr Osborne described the security arrangements, emergency vehicle access arrangements, contingency plans in the event of bad weather and that due to the infrequency of events that planning permission would not be required. The Sub-Committee raised a number of issues with the applicant and asked if they would be prepared to agree a maximum capacity of 2000. Ms McIntosh and Mr Osborne agreed.

Mr Osborne also significantly reduced the scope of the application to a maximum of four events in any calendar year and for a maximum duration of four days for each event. In other words, a maximum of 16 days per calendar year.

The decision

We have listened to all the representations and read all of the material.

We have had regard to the statutory guidance issued under section 182 of the Licensing Act 2003, and the Council's own licensing policy.

We confirm that in making our decision we have sought to promote the licensing objectives.

Under the Licensing Act, we cannot modify the conditions or reject the whole or part of the application merely because of unsubstantiated concerns or because we consider it desirable to do so. Any regulation we impose must be appropriate in order to promote the licensing objectives and must be supported by the facts and the relevant representations made.

We have considered carefully the concerns expressed by, and on behalf of, the objectors and their entitlement not to be disturbed by unreasonable noise and other nuisances. Such rights however are not absolute and have to be balanced against the rights of others including the applicant to operate a business.

We are satisfied that in all the circumstances the impact of the grant of the premises licence on the licensing objectives does not justify a rejection of the application for the following reasons.

The amended application is limited in scope and its potential impact is much reduced.

The objections were not evidence based and, at least to some extent, speculative and based on fear of what might happen in the future.

In this regard, we noted that the objectors as well as the responsible authorities could apply for the premises licence to be reviewed should actual problems arise in the future. This is a valuable safeguard built into the Licensing Act.

We also noted that the objections were parish council led and we received limited assistance in the form of direct evidence from those directly affected by the application. Conversely, the fact that the applicant's closest neighbour did not object to the application was in our view of significance.

The fact that the key responsible authorities had been properly consulted and did not raise any objections following the recommendations accepted by the applicant is significant and weighed heavily with us. The responsible authorities are experts on the issues raised by the objectors and have effectively satisfied themselves that the issues have been appropriately dealt with.

Moreover, we felt that the applicant had been very proactive in engaging with the Aylesbury Vale Safety Advisory Group which is made up of representatives of all blue light emergency services and other agencies concerned with event safety such as Bucks for Transport.

We also felt that providing licensable activities under cover of a premises licence following careful attention and appraisal by the responsible authorities and the licensing authority is far better than relying on Temporary Event Notices (albeit for a more limited number of people) which is a much lighter touch to the regulation of the same activities.

Finally, the complaints about the planning use of the site and traffic and access issues which did not relate to one or more of the licensing objectives are not relevant licensing considerations.

We have accordingly granted the application as per the hours and restrictions agreed with the applicant as follows:

Retail sale of alcohol

Every day – 11.00 a.m. to 3.00 a.m. the following morning

Live and recorded music

Every day – 7.00 p.m. to 3.00 a.m. the following morning

Late night refreshment

Every day – 11.00 p.m. to 5.00 a.m. the following morning

Agreed conditions

1. The carrying on of licensable activities shall be limited to four events in any calendar year and the period for each event shall not exceed four days.
2. The maximum capacity for each event shall not exceed 2000 people.

Having regard to the representations made, the applicant's Event Management Plan and operating schedule and the conditions agreed prior to and during the course of the hearing, we are satisfied that no further conditions are appropriate in order to promote the licensing objectives.

The effective date of this decision

This decision takes effect immediately.

The premises licence will start on 1 May 2014 which is the date specified in the application form.

Right of Appeal

The objectors have a right of appeal to Aylesbury Magistrates' Court against this decision.

If you wish to appeal you must notify Aylesbury Magistrates' Court within a period of 21 days starting with the day on which the Council notified you of this decision.

22 April 2014