
Meeting	Licensing/Gambling Hearing
Date	5 April 2018
Present	Councillors Looker, Mercer and Taylor

1. Chair

Resolved: That Councillor Looker be appointed to Chair the meeting.

2. Introductions

3. Declarations of Interest

Members were asked to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests which they may have in respect of business on the agenda. None were declared.

4. The Determination of an Application by Dunnington Community Events for a Premises Licence (Section 18(3)) in respect of Eastfield Showfield, Eastfield Lane, Dunnington, York, YO19 5ND (CYC-060438)

Members considered an application by Dunnington Community Events for a Premises Licence Section 18(3) in respect of Eastfield Showfield, Eastfield Lane, Dunnington, York, YO19 5ND.

In considering the application and the representations made, the Sub-Committee concluded that the following licensing objectives were relevant to the hearing:

1. The prevention of crime and disorder.
2. Public safety
3. The prevention of public nuisance.
4. The protection of children from harm.

In coming to their decision, the Sub-Committee took into consideration all the evidence and submissions that were presented, and determined their relevance to the issues raised and the above licensing objectives, including:

1. The application form.
2. The Licensing Officer's report and her comments made at the Hearing. She outlined the application and advised that the premises were not located in the special policy Cumulative Impact Zone (CIZ). She reported that the consultation had been carried out in accordance with the Licensing Act 2003 and that conditions had been mediated with North Yorkshire Police and City of York Council Public Protection (Environmental Protection). She stated that there had been representations from 72 other interested parties and she outlined the four options available to the committee.
3. The applicant's representations in writing and at the Hearing. The applicant stated that the fair had started 12 years ago and that since then the length of the event had been reduced to suit the community. The applicant had moved from the Sports Club to the field at Eastfield Lane as here had been a lack of car parking.

The applicant noted that additional conditions had been agreed with North Yorkshire Police and City of York Council Public Protection to that ensure future events ran as smoothly as possible. The applicant explained the measures they had put in place for car parking, security and waste collection. The applicant advised that a full events manual would be submitted 3 months prior to events covering all of the arrangements in detail. The applicant reiterated that the events were family events, which the Committee held for the benefit of the community, and which had raised money for several local charities.

In response to questions from the panel, the applicant confirmed that they had hired a company to provide sound and they monitored the noise level during every performance. The applicant also stated that if the weather

was such that the fields were unsuitable for car parking, events would not go ahead.

4. The representations made by Stuart Kay, on behalf of Dunnington Parish Council, who reported the Parish Council were aware of a number of objections to this application. He explained that the objections focused on the number of events requested in the application, as there was still significant goodwill within the community for the two events currently running. However, the parking and noise issues had a detrimental impact on residents' amenity and as such 6 events a year (or 18 days) was too much to ask. The Parish Council felt that if the Sub-Committee were minded to grant the application that they limit this to two events per year. He also welcomed the conditions imposed by North Yorkshire Police as he felt they would go some way to reducing anti social behaviour.
5. The representations made by Ian Hughes, on behalf of several local residents, who felt there should be more conditions to protect residents, if the Sub-Committee were minded to approve the application. He stated that, whilst there was goodwill towards longstanding events such as the fair and bonfire, anti social behaviour was getting progressively worse. He stated that a broad concern of the community was that the events being held were of a size that could not be considered 'village' events. He explained that the infrastructure of a village like Dunnington was unable to cope with such a massive influx of people and that it was putting a strain on the lives of residents.

Mr Hughes stated that it was felt the application had not been advertised widely enough. He also highlighted concerns around the safety of children at such large events. He asked that, if the Sub-Committee be minded to approve the application that they limit the amount of events to the two current events and restrict the number of attendees.

6. The 72 representations made in writing before the hearing.

The representations made by North Yorkshire Police and City of York Council Public Protection (Environmental Protection) were withdrawn prior to the Hearing as conditions were agreed.

In respect of the proposed licence, the Sub-Committee had to determine whether the licence application demonstrated that the premises would not undermine the licensing objectives. Having regard to the above evidence and representations received, the Sub-Committee considered the steps which were available to them to take under Section 18(3) of the Licensing Act 2003 as it considered necessary for the promotion of the Licensing Objectives:

Option 1: Grant the licence in the terms applied for.

Option 2: Grant the licence with modified/additional conditions imposed by the licensing committee.

Option 3: Grant the licence to exclude any of the licensable activities to which the application relates and modify / add conditions accordingly.

Option 4: Reject the application.

The Sub-Committee decided to approve Option 2, to grant the licence with the modified conditions mediated with North Yorkshire Police and Council Public Protection (Environmental Protection).

The Sub-Committee then imposed the following additional conditions:

- 1) A maximum number of 4 events shall be held per calendar year and each such event shall last no longer than 2 consecutive days.
- 2) That an event specific noise and lighting management plan shall be submitted to the Council's Public Protection Team by the premises licence holder not less than 28 days before an event for less than 500 people and at least 8 weeks before an event for over 500 people and agreed in writing by the Council's Public Protection Team. Once it has been agreed in writing by the Council's Public Protection Team, the noise and lighting management plan shall be implemented during the specified event. No event shall take place unless the noise and lighting management plan has first been agreed in writing by Council's Public Protection Team for each specific event.
- 3) That a Full Event Manual to include the matters referred to under that heading on page 169 of the Agenda papers, and

to incorporate the Events Safety Manual and documents requested in the conditions agreed with North Yorkshire Police, shall be submitted to the York Safety Advisory Group no later than 3 months prior to an event when the expected attendance is more than 499 people.

- 4) Before the event a designated complaints phone shall be set to vibrate and tested. The number shall be circulated to the public on the leaflet requested in the conditions agreed with the City of York Council Public Protection (Environmental Protection) Unit.

All conditions offered by the Applicant in the application, including the operating schedule, for granting the premises licence under the Licensing Act 2003, shall be included in the licence, unless contradictory to the above conditions.

The Sub-Committee acknowledged the concerns raised by local residents including the impact on them of traffic congestion and noise disturbance as a result of activities on the site. No objections had been submitted by the Responsible Authorities and, whilst the concerns of the residents were genuine, there was not sufficient evidence to persuade the Sub-Committee to refuse the application.

The Sub-Committee was encouraged by the measures stated by the applicant in order to satisfy the four licensing objectives and the conditions agreed with the Police and Public Protection Unit. The overall conclusion of the Sub-Committee was that the licence should be granted for the licensable activities requested but subject to additional conditions to limit the number of events that could take place each year and to require the submission of a noise management plan in order to prevent public nuisance. It was considered that all these measures should address the concerns raised and promote the licensing objectives.

In reaching their decision, the Sub-Committee was mindful that if concerns about public nuisance or other problems with the premises were to arise, it would be possible for the licence to be reviewed.

The Sub-Committee concluded that the application was acceptable with the above mandatory and additional conditions which addressed representations made both in writing and at the hearing, as it met all the licensing objectives. The Sub-

Committee made this decision taking into consideration the representations, the Licensing Objectives, the City of York Council's Statement of Licensing Policy and the Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003.

These conditions came into effect immediately and the license would be issued from the Licensing Section in due course.

Cllr J Looker, Chair

[The meeting started at 10.00 am and finished at 11.45 am].