

# Licensing Sub-Committee DECISION NOTICE

## DETERMINATION OF A PREMISES LICENCE

**Meeting:** LICENSING ACT 2003 SUB-COMMITTEE HEARING at Melton  
Borough Council on 17 January 2022

**Applicant:** NOISILY FESTIVAL LTD

**Premises Address:** TERRACE HILLS FARM, BELVOIR RD, EATON,  
NG32 1SN

**Licence No.** N/A

### Summary of Decision:

The decision of the Licensing Sub-Committee (in exercise of the powers delegated by Melton Borough Council as Licensing Authority) was to refuse the application for a premises licence pursuant to the Licensing Act 2003.

### Facts and Reasons:

In reaching its decision the Sub-Committee has had regard to the evidence and representations of the Applicant, Responsible Authority (Environmental Health) and all the Interested Parties., the Council's Statement of Licensing Policy and Guidance issued under section 182 of the Licensing Act 2003.

In making their decision the four licensing objectives were given equal and paramount importance, i.e.

- The Prevention of Crime and Disorder;

- Public Safety;
- The Prevention of Public Nuisance
- The Protection of Children from Harm

The Sub-Committee made the following findings of fact:

1. The application for the premises licence had been served, in accordance with the Licensing Act 2003 on the Responsible Authorities – 1 Responsible Authority (Environmental Health) having made 2 representations.
2. Protection of the public and promotion of the licensing objectives is paramount
3. There are less than 6months to go before the commencement of the proposed 2022 festival.
4. In the application, the steps the Applicant intends to take to promote the four licensing objectives refer to the event management plan (Appendix G). The event management plan accompanying the application is not written for / tailored to this premises site.

The Sub-Committee gave the following reasons for their decision:

- 1 The Applicant had failed to demonstrate how it was promoting the licensing objectives specific to this site.
- 2 The impact on the licensing objectives could not be sufficiently addressed by the addition of conditions this close to the proposed festival date.
- 3 The Sub-Committee were concerned, that with less than 6months until the start of the proposed event the Appendices to the application have not yet been sufficiently tailored specifically to the premises site, i.e.;

- i. The event management plan (Appendix G) is prepared for a different site, with a maximum attendance of 9,999 (whereas the maximum attendance applied for is 14,999).
  - ii. The security plan (Appendix I) refers to the event management plan which has not yet been drafted for this festival / site
  - iii. The traffic management plan (Appendix J) states that there has not yet been any site visit.
  
- 4 The Sub-Committee noted the agreed proposed condition from Environmental Health – *“the event organisers for this and any future events will engage with the safety advisory group at least 6 months before the planned event/s and implement the requirements that the safety advisory group members identify for the safe running of the event”*. With no liaison having taken place with the Safety Advisory Group (SAG) to date – and less than 6months to go, the Sub-Committee were concerned that there would not be enough time to tailor the event management plan to this site and liaise with SAG to ensure it’s requirements could be implemented.
  
- 5 In relation to the crime and disorder and public safety objectives – the representations have been noted as well as the Applicant’s comments. The plans contained in the Appendices do not specifically address the concerns for this site. The Sub-Committee are concerned that with less than 6months until the commencement of the festival there is not enough time to work with relevant agencies to sufficiently address the concerns, for example, The traffic management plan states *“a representative will attend any*

*SAG meeting requirements to liaise with the authorities to allow a joined up working relationship. A TTRO may be required given that signage will be placed onto the highway with minimal traffic control”.*

Highways would require a minimum of 6months notice *if a TTRO* were required – at this stage, less than 6months away – the traffic management plan has not yet identified what is needed.

- 6 In relation to the promotion of the licensing objectives – the prevention of public nuisance and protection of children, the application again refers to the information contained within the event management plan which has yet to be drafted / started for this site.

Having considered the all the evidence presented at the hearing, the Sub-Committee determined that the application did not promote the Licensing objectives.

In reaching this decision, the Sub-Committee took into consideration the following factors:-

- (i) The report presented by Mrs Sarah Flower, Licensing & Compliance Officer for Melton Borough Council;
- (ii) The Applicant’s submissions
- (iii) The Responsible Authorities written representations and proposed agreed conditions
- (iv) All the written representations received from Interested Parties as well as those who attended to provide oral submissions to the sub-committee
- (ii) The provisions of the Licensing Act 2003 and the four licensing objectives

- (iii) The Human Rights Act 1998
- (iv) Relevant case law
- (v) Melton Borough Council's Statement of Licensing Policy
- (vi) The guidance issued by the Secretary of State under s.182 of the Licensing Act 2003 (April 2018)

**Decision:**

On consideration of the evidence, the Licensing & Compliance Officer's report, the relevant legislation, case law and policies the Sub-Committee took the decision to refuse the application for a Premises Licence.

**Right to Appeal**

There is a right of appeal in respect of this decision.

Any appeal of the Sub-Committee's decision must be lodged at the Magistrates' Court with 21 days of notification of the Licensing Authority's decision.

Any other queries should be directed to:

Licensing Department  
Melton Borough Council  
Parkside, Station Approach  
Burton Road  
Melton Mowbray  
LE13 1GH  
Tel: 01666 502 502

Date: 20 January 2022

Signature: .....*J. Douglas*.....  
Cllr J Douglas - Chair of the Licensing Sub-Committee