

	<p>The Chair advised that in a normal licensing hearing, the applicant would leave the room during the licensing Sub Committee’s deliberations, and then be readmitted to hear the decision. However, in view of the limitations of Microsoft Teams software, this was not possible. Instead, the meeting would end just before the Sub Committee’s private deliberations and the parties would then be advised of the decision directly. The Chair added that whilst the Sub-Committee was not obliged to publish its decision on the day of the hearing, it was statutorily required to publish its decision within five working days of the hearing.</p> <p>The Chair then invited those present to introduce themselves.</p>	
2	<p>Apologies and Reconstitution of Membership</p> <p>None.</p>	
3	<p>Declaration of Interests</p> <p>Councillor Carswell advised that he had been in meetings as a Portfolio Holder with Mr Robert Richards, but had not met him personally.</p>	
4	<p>Licensing Hearing</p> <p>Prior to the presentation of the Licensing Officer’s report, the Chair advised that there were three matters that needed to be addressed, and called upon the Legal Adviser to read aloud a statement in connection with those matters which related to -</p> <ol style="list-style-type: none"> 1. The legal position in connection with determining this application by means of a virtual hearing 2. The position regarding the Council’s Statement of Licensing Policy as there was currently no adopted policy, the previous one having expired in January 2021; and 3. The revised procedure Note for New Premises Hearings. <p>The Legal Adviser made the following detailed statement as set out below.</p> <p>1. <u>Virtual Hearings</u></p> <p>“On 1 April 2020, regulations made under section 78 of the Coronavirus Act 2020, the Local Authorities and</p>	

Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (SI 2020/392) – ‘the Flexibility Regulations’ permitted local authority meetings required on or before the 7 May 2021, to be held remotely. These provisions have not been extended.

On the 28 April 2021, in a handed down decision, in what has become known as the ‘Hertfordshire Case’ the High Court concluded that primary legislation would be required to allow local authority ‘meetings’ post 7 May 2021 under the Local Government Act 1972, to take place remotely.

On the 28 April 2021, the Institute of Licensing reporting on the High Court decision, provided advice as to whether hearings under the Licensing Act 2003 are affected. The advice refers to Paragraph 43 of the Institute’s ‘Protocol for licence applications and hearings under the Licensing Act 2003 during the COVID-19 pandemic’ published in April 2020 and updated, which states –

‘Whilst the new Coronavirus Regulations (in both England and Wales) remove any residual doubts about the legality of remote licensing hearings, and enable Council’s to make their own standing orders to facilitate their conduct, in our view, the specific licensing provisions already in existence enable remote hearings, in any event, to lawfully take place under the Licensing Act 2003.’

The Licensing Authority has considered that advice and is satisfied that this hearing this afternoon can lawfully take place remotely.”

2. The Licensing Authority’s Statement of Licensing Policy

“The most recently published Statement of Licensing Policy which came into effect on the 7 January 2016, expired in January 2021 and presently there is no currently adopted policy in place.

Leading Counsel’s Advice (Mr Philip Kolvin QC) has been sought in relation to the discharge of licensing functions under the Licensing Act 2003, pending the adoption of a new policy and specifically in relation to this hearing. The Advice received states:

‘This case involves the clash of 2 imperatives:

- Section 5 of the Licensing Act 2003 requires the policy to be determined in respect of each five-year period.
- Regulations 4, 5 and Schedule 1 of the Licensing Act 2003 (Hearings) Regulations require hearings to be held within 20 working days beginning with the day after the end of the period during which representations may be made under section 17.

The Act does not expressly resolve that clash. It does not say that no hearing may proceed if the licensing authority has failed to publish its policy. Nor does it say that the hearing must proceed regardless of whether there is an extant policy. The reason for this is simply that Parliament expected there to be an extant policy and so the clash did not need to be catered for.

However, now the clash has arisen, the question is what are the authorities' duties? To my mind that is easily resolved. The authority is in continuing breach of its duty to publish a policy. But it is not yet in breach of its duty to hold a hearing. However, if it fails to hold a hearing it will have compounded its initial breach of duty (to publish a policy) with a further breach of duty (to hold a hearing). In breach of the first duty it may be, but it should not and must not compound that by breaching the second duty. It must proceed to hold the hearing. Were it otherwise, then it would not be in a position to determine any licence applications until it has published a consultation draft policy, consulted upon it and then adopted it, which is bound to take months. During that whole period, licence applications would be paralysed. That is an unappealing vista, and I do not consider that it is one required by the legislation.

How, then, should the licensing sub-committee go about determining the application? In my view, it is not required as a matter of law to disregard its former policy. It should consider the extent to which the policy provisions remain relevant to the circumstances as they present themselves and give the policy such weight as they think fit, having regard to its relevance and its age.

I have not found a case directly in point, although some analogy is to be found in Peel Investments (North) Limited v Secretary of State for Housing Communities and Local Government [2019] EWHC 2143 (Admin) in which the Administrative Court upheld the decision of a planning inspector that an out of date plan might continue

to be given weight, depending on the exercise of planning judgment. To my mind, it would be harder for an authority to give weight to a negative policy – such as a cumulative impact policy – once it has expired than a policy which simply sets out how the authority will come to exercise its licensing judgment. In the latter case, while acknowledging that the policy is out of date and so cannot have the same weight as it would have if current, there is no reason why it cannot be taken into account as a relevant consideration in the licensing balance.’

For these reasons, I advise against any postponement of the hearing. The decision should acknowledge that there is no current licensing policy, and should reflect whether any and if so, what weight has been given to the former policy, with reasons.”

3. Revised Procedure Note for New Premises Hearings

“On the 6 May 2021 an updated procedure document ‘Virtual Hearings Procedure for New Premises Applications’ was circulated to all parties by the Democratic Services Team at Mendip to replace the document at page 4 of the Agenda – ‘Procedure for New Premises Hearings’. This document has been updated to reflect that the meeting will be a virtual hearing.

One of the Other Parties, Mr Hall has commented as follows:

‘For the record I note that under Section 7(1) of The Licensing Act 2003 (Hearings) Regulations 2005 says "The notice of hearing shall be accompanied by.....(c) the procedure to be followed at the hearing". Not only did this updated procedure not accompany the notice of the hearing but it came less than five working days before tomorrow's hearing.

I understand that this can be considered prejudicial to the preparation of our case and should be reviewed by the sub-committee at tomorrow's hearing.’

Pursuant to the Licensing Act 2003 (Hearings) Regulations 2005 (as amended), under the section entitled *Irregularities*

Regulation 31 states: -

‘Any irregularity resulting from any failure to comply with any provision of these Regulations,

before the authority has made a determination shall not of itself render the proceedings void.'

Regulation 32 states: -

'In any case of such irregularity, the authority shall, if it considers that any person may have been prejudiced as a result of the irregularity, take steps as it thinks fit to cure the irregularity before reaching its decision.'

The Licensing Sub-Committee have examined the differences between the two documents and do not consider that there is prejudice to any party as a result of the changes to the document."

The Chair then advised the Applicant and the Other Parties that following the despatch of the Agenda a number of documents had been circulated, for which both parties had advised they wished to rely on. These documents were circulated on the Updates and Amendments paper, which was circulated to all parties prior to the meeting. In order to assist, the Chair advised that the Sub-Committee had considered the documents circulated and would exercise his ruling as to their acceptance, or not, in his capacity as Chair, as follows:

Appendix A - Site Location Plan for Camping 84 ha at Worthy Farm from 21st June 2021 – **This was declined as it was not considered relevant to the application.**

Appendix B - the draft Minutes Pilton Parish Council 7th April, Chair failed to declare he was employed by the Applicant - **This was declined as it was not considered relevant to the application.**

Appendix C - HM Government Publication – Fire Safety risk Assessment Open Air Events and Venues - **This was declined as the lead on fire safety is the Fire and Rescue Service who did not lodge a representation as the Responsible Authority, on this application.**

Appendix D - letter from Mendip District Council to Mr C Edwards, Worthy Farm – variation/removal of Planning Conditions - **This was declined as the planning matters do not fall within the remit of the Licensing Sub-Committee.**

Appendix E - Worthy Farm Concerts September 2021 – Sound Management Plan – **This was permitted as it**

had direct reference to the licence application before the Sub-Committee.

Appendix F - Noise rebuttal points – This was permitted as it had direct reference to the licence application before the Sub-Committee.

Appendix G - Minutes Priddy Parish Council, 21 June 2017 - This was declined as the planning matters do not fall within the remit of the Licensing Sub-Committee.

Appendix H - Glastonbury Festival Events Limited Premises Licence Plan – Ref PLSP 001 – It was noted that the map had already been circulated as part of the agenda pack (page 37 refers).

Appendix I - Glastonbury Festival Events Limited Premises Licence Plan – Ref PLSP 002 – It was noted that the map had already been circulated as part of the agenda pack (page 36 refers).

Prior to the presentation of the Licensing Officer's report, the Chair invited two of the Other Parties, Ms Griffiths and Mr Hall, to raise several preliminary issues and points of clarification, which are detailed below. These covered the Legal clarification provided, as set out above, and the Chair's ruling in relation to the additional material that would be accepted.

Ms Griffiths challenged the advice relating to the virtual hearings, the fact the Licensing Policy was out of date at the time of the hearing and the revised procedure note. In particular, she stated that the QC's advice did not correspond with the legal advice she had received.

She felt taking these matters into account, as well as the reluctance of the Sub-Committee to accept the additional information and the timeliness of the information provided, given the changes as the situation evolved; would render the hearing unfair.

In addition, she felt that the application process had not been properly followed. She evidenced this with the fact no plan of the site was available on the website and that no Blue Notices were issued, which she stated she had not seen. She also questioned the consultation undertaken by GFEL, hence the reference to the Priddy Parish Council minutes.

In response, the Legal Adviser reiterated her earlier advice to the Sub-Committee and stated the hearing could continue.

With regards to the timeliness of the documentation, the Legal Adviser advised the Sub-Committee, that the hearing process was governed by the Licensing Act 2003. Hearings were required to be heard, by law, within a limited timeframe. It was within that legal framework, that the hearing was operating. She sympathised with all parties regarding the volume of documents and advised it was an inevitable consequence of the process.

The Senior Licensing and Business Support Officer advised the Sub-Committee that the publication had been fully complied with. The Authority was obliged to publish the application, however there was no legal requirement to publish the plan. He added that when formally approached the plan was issued to interested parties.

With regards to the Blue Notices, the Senior Licensing and Business Support Officer confirmed Blue Notices had been displayed and shared his screen showing where the notices had been located.

The Chair then invited Mr Phipps, representing the applicant, to provide clarification to the Sub-Committee, and he made the following comments.

- The plan of the site was submitted as part of the application process and the handling of the Operating Schedule was entirely legitimate.
- Blue Notices were correctly displayed.
- The submission of documentation process applied to all parties.
- He rejected the suggestion that the applicant had overloaded the process with submissions, as evidenced by the documents submitted.
- He accepted the point regarding the ongoing changes made to the Operating Schedule, such as the conditions that would be applied to the application but stated that was how the process worked.
- GFEL had tried to engage.

Mr Hall was then invited to address the Sub-Committee.

Mr Hall queried the delay in the distribution of the Government guidance on risk assessments for outdoor

	<p>events and events, which he had provided as evidence at Appendix 5.</p> <p>He also queried the Legal Adviser's statement, namely the lack of a current Licensing Policy and questioned the legality for the meeting to proceed. He could not understand how any weight could be given to an outdated policy.</p> <p>Mr Hall went on to query the arrangements for the meeting, specifically holding the session virtually, which he felt was prejudicial to the objector's case.</p> <p>The Legal Adviser reiterated the advice she provided at the beginning of the meeting and confirmed that the revisions to the meeting arrangements did not prejudice either party. It was therefore appropriate for the hearing to proceed.</p> <p>The Chair thanked Ms Griffiths and Mr Hall for their contributions.</p> <p>The Senior Licensing and Business Support Officer then introduced the report. He advised the Sub-Committee that the application was for a premises licence under the Licensing Act 2003, for a September Event (PRL823) at Worthy Farm, Worthy Lane, Pilton, Shepton Mallet, Somerset, BA4 4BY. The application had been received from Glastonbury Festival Events Limited (GFEL), at the same address. He referred the Sub-Committee to the application and the plans in the report, which highlighted the event location.</p> <p>Members of the Sub-Committee had no questions.</p> <p>Mr Hall queried reference to the Crime and Disorder Act 1998, which was included in the pre-amble of the report given the summary nature of the content. He also raised concerns with potential crime and disorder matters. In addition, Mr Hall queried the omission of the showing of films from the summary in the covering report.</p> <p>The Senior Licensing and Business Support Officer advised that the Police Service was the lead authority in terms of Crime and Disorder and that they had not lodged any representations in relation to this application.</p> <p>He went on to apologise for the omission regarding films and confirmed that the application requested the</p>	
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showing of films on Friday and Saturday from 14.00 until 23.59.

At 3.45 pm it was moved by the Chair and seconded by Councillors Carswell and Sprawson-White that the meeting be adjourned for five minutes.

RESOLVED:

That the meeting be adjourned for five minutes.

The meeting reconvened at 3.50 pm.

The Solicitor assisting officers, then addressed the Sub-Committee. She advised there was now one remaining representation from the Responsible Authorities. The representation from Public Protection had been withdrawn following successful negotiations regarding conditions, with the applicant. This was in addition to the withdrawal of an earlier representation following negotiations with the applicant. This left representations from Environmental Health.

The Solicitor went through the agreed conditions with the Sub-Committee as set out below:

- The applicant shall take advice from a competent person on appropriate public liability insurance cover for the event and a copy of the public liability insurance cover certificate shall be forwarded to the Licensing Authority at least 30 days before the Event.
- The applicant shall ensure that drinking water is available free of charge as a minimum at medical points and in the pit area of the main stage. A sufficient supply of cups shall be available in these areas so that members of the public who are dehydrated can be given water to drink.
- The applicant shall ensure persons attending the event shall not be allowed within 3m of any operational loudspeaker with a rated power output in excess of 1Kw. (27 OS)
- The applicant shall ensure the peak sound pressure level in the public areas shall not exceed 140dB and the Equivalent Continuous Sound Level in audience areas shall not exceed 109dB A.

	<ul style="list-style-type: none"> • The applicant shall ensure persons attending are warned of the potential damage to their hearing in advance on tickets, by signage at the entrances and in ticket terms and conditions. • The applicant shall ensure adequate lighting is provided to the licensed area, all access/exit routes to and from the licensed site, and toilet blocks when the public are on Glastonbury Festival Events Ltd event site. • The applicant shall ensure they develop a plan to the satisfaction of the Licensing Authority for delivering information to members of public attending the event. Guidance on information (and welfare) is contained within Chapter 20 of The Purple Guide. A copy of the plan to be forwarded to the Licensing Authority at least 30 days before the event. • The applicant shall provide a list of the names and owners business addresses of all the fairground rides expected, to the Licensing Authority at least two weeks before the event. • The applicant shall ensure that a competent person checks insurance details and inspection certification associated with all amusements and fairground rides. Copies of relevant documents (inspection of amusement devices carried out under the provisions of the Amusement Device Inspection Procedures Scheme (ADIPS) and the PIPA Inflatable Play Inspection Scheme (or similar)) shall be kept at the event and available for inspection on request by an officer of the Council. • The applicant shall provide to the Licensing Authority details of fireworks, pyrotechnics, lasers or any other special effect authorised to be used at the event at least two weeks before the event. <p>Expansion of condition 6 detailing the EMP, suggested wording for condition 6:</p> <p>A detailed Event Management Plan will be submitted to the Licensing Authority which must include the following:</p> <ul style="list-style-type: none"> • Operational Summary (including all licensed and operational timings, ticketing arrangements) 	
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	<p>which must include:</p> <ul style="list-style-type: none"> - Ticketing plan – cancellation, capacity, marketing, management of those without tickets - List of all licensed activities to include live artists, films, standalone entertainment - Plan to identify structures, fencing, facilities, lighting, access routes and staff only areas - Fencing and barriers – prevent entry on site and ensure safety within <ul style="list-style-type: none"> • Alcohol Management which must include: <ul style="list-style-type: none"> - number of areas selling alcohol, - alcohol sale policy, signage - designated supervisors identified at premises selling alcohol. • Traffic and Transport arrangements which must include: <ul style="list-style-type: none"> - Clear traffic plans for entry and exit to the event site including timings - Details of how vehicular pedestrian conflict will be managed on site, car parks, bus stations and respective egress access routes. - Access to bus stations and car parks and operating hours detailing restrictions and facilities provided. - Entry and Exit plan • Security and Stewarding which must include: <ul style="list-style-type: none"> - both on site and off site - Within exit and entrance and access areas - Within the car parks and bus station - prior to and during the event - Fencing and barriers - Crowd safety - Collaboration with Avon and Somerset Police - Search and Entry - Drugs policy - management of those without a ticket - Contraband / general banned goods - Removal or Evictions policy • Noise and Nuisance Management which must include: <ul style="list-style-type: none"> - monitoring processes on and off site - Limitation of noise plan 	
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	<ul style="list-style-type: none"> - Details of limiting devices and access - Timings of stage operations - Consideration of adverse effects on local area - Location of noise generating equipment - Full Traffic Plan - Litter and Waste Management • Major Incident and Emergency Planning which must include: <ul style="list-style-type: none"> - Cancellation, - evacuation, - public protection • Safeguarding (including lost child policy) which must: <ul style="list-style-type: none"> - Link to ticketing policy and welfare • Health and Safety including risk assessments and method statements. • Medical and Welfare provision which must include: <ul style="list-style-type: none"> - facilities available and location - consideration of reduction of pressure on NHS - information available prior to event • Crowd Safety Plans which must include: <ul style="list-style-type: none"> - Capacity - access - ingress - circulation - disabled access - facilities available - security and stewarding - Evacuation - Fencing and barriers - Risk assessments on expected audience behaviours • Fire Safety plans which must include: <ul style="list-style-type: none"> - Fire risk assessment carried out and equipment required. 	
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	<ul style="list-style-type: none"> • Infrastructure – including sanitation, waste, and temporary water provision and which must include: <ul style="list-style-type: none"> - Detail of the infrastructure of the event site, to include public and non-public areas. - Fencing and barriers around and within the site - Lighting within the public and staff areas - Facilities for public and staff to include staff camping arrangements • Food Safety - Food hygiene, general health and safety regulations <p>Inclusion of condition relating to the Organisation structure:</p> <ul style="list-style-type: none"> • An organisation structure shall be provided at least 90 days in advance of the event to all members of the Multi-Agency Partnership meetings which details the roles responsible for specified elements of the Event. Names and contact details to be provided for the fulfilled roles no later than 30 days in advance of the event. <p>Expansion of Condition 13 to read as follows:</p> <ul style="list-style-type: none"> • Covid Secure' planning considerations and a full risk assessment will be undertaken in partnership with Somerset County Council, Public Health England and in line with the Government Roadmap and relevant legislation, advice and guidance at the time if required. Such planning shall include a cancellation and/or evacuation plan. <p>Expansion of Condition 14 to read as follows:</p> <ul style="list-style-type: none"> • A competent event safety professional will be employed to ensure all elements of the Event Management plan is delivered in accordance with best industry practice, guidelines and legislation. All Plans will be developed to reflect capacity, entertainment type and audience profile. <p>Amendment to condition 18 to read as follows:</p> <ul style="list-style-type: none"> • Fire safety equipment will be provided throughout the licensed site in accordance with the fire risk assessment. The fire risk assessment will be 	
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undertaken by a competent person and agreed in advance with the Devon and Somerset Fire and Rescue Service.

Inclusion of the condition:

Pilton Party (PRL634) shall not take place within 30 calendar days of this proposed event (PRL823).

The Chair then invited comments from Members of the Sub-Committee.

In response to a question on the requirement for lateral tests before and after the event, the Team Leader for Public Protection advised that COVID planning was separate to the licensing process. She added that COVID requirements issued by the Government would override any licence.

The audience profile was currently unknown and would be covered in the event management plans. In terms of safeguarding, it was expected that entry for under 8s would be included in the ticketing policy and safeguarding policy. The Sub-Committee was advised that this was the reason behind condition 6.

There was a potential concern for sleeping in cars, and the applicant had been asked to expand on this under regulation 6, as to how the car parks would be managed.

The Chair then invited Mr Phipps to clarify the position regarding age profile and the entry to under 18s. Mr Phipps advised that safeguarding, child protection, welfare and vulnerable adults would be covered. He stated that the Licensing Authority had ultimate sign off under the event plan.

In terms of COVID, Mr Phipps advised that COVID planning would be carried out and it was accepted that the pandemic could prevent the event from taking place.

Mr Hall raised concerns in terms of the conditions read out by the Solicitor, particularly given the short notice. He felt things were being done on the hoof.

Mr Hall went on to advise that he had submitted a number of questions relating to the original submission from Public Protection and had been informed they would be dealt with today.

	<p>These were:</p> <ol style="list-style-type: none"> 1. No details had been provided on arrangements for 10k staff or performers. There appeared to be no condition covering this. 2. The audience profile was undefined. 3. There was a lack of detail as to who would be managing and controlling the event, and specifically whether it be by an established team or contractor. This was pertinent given the management of other events by GFEL. 4. The fence specification had not been provided. 5. There is a conflict with the pedestrian egress, the bus stop and footpath (SM328). 6. Clarification on the crisis management plan as he wished to see it. <p>The Solicitor advised that points 1 and 4 would be covered by an expansion to condition 6 in relation to infrastructure. She advised that the crowd safety issues would be addressed, and details provided 120 days prior to the event.</p> <p>The Senior Environment Protection Officer was then invited to address the Sub-Committee.</p> <p>The Senior Environment Protection Officer informed the Sub-Committee that he was deputising for the Team Leader, Environment and Community Protection.</p> <p>He referred to pages 61 – 64 of the agenda pack and highlighted that some agreement had been reached, in relation to the requirement of a noise management consultant to be appointed to prepare and implement a noise management plan and the condition regarding the expansion to the 90 day period.</p> <p>In addition, the Sub-Committee was informed that in part agreement had been reached with the second condition bar the requirement for the volume of music being played noise to be reduced or ceased, if in the Licensing Authority’s opinion, reasonable cause for nuisance or annoyance is likely to arise or been caused.</p> <p>The Senior Environment Protection Officer advised that the key issue set out in the representation, related to noise nuisance, specifically the ‘c’ rating or low frequency noise as it was also known. The Sub-Committee was informed that there was a requirement to protect people both within and outside their properties. He advised that</p>	
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that was the reason why the 5 conditions on pages 63-64 of the report, had been included. He added they were based on existing and emerging guidance.

The Solicitor confirmed that bullet points 1, 3 and 4, as set out on page 63 of the report, had been agreed with the applicant. In terms of bullet point 2, the first and third sentences had been agreed with the applicant, but not the second. In addition, the table on page 64 had not been agreed with the applicant but that bullet point 5 had been agreed with the applicant.

Ms Griffiths stated that this illustrated how not to engage and said she found it difficult to comment on the detail given the amount of information provided and changes.

She stated that no reference was made to Pilton Party, where alcohol can be served on the campsite and music played.

She added that there was no reference to workers and that noise was made during testing. She expressed concern at the likely impact on local weddings given noise volumes.

The Solicitor advised that the details of the Pilton Party was set out on page 43 of the report. The eight week camping was not a relevant consideration for the Sub-Committee.

She added that workers information would be provided within the lead in time as specified in the report.

Mr Hall expressed concern that the points he had previously raised were not being dealt with at the hearing, despite assurances.

In response the Senior Environment Protection Officer advised that a traffic plan would be required. He advised that had seen a car park plan for the event and confirmed that there is going to be a direct route into the car park managed by GFEL.

In relation to the cumulative impact, he advised that the conditions stated there should be at least two free weekends between events. He advised that negotiation would be required and advised that officers would look at community consultation. Whilst this was not considered a condition it was a requirement of the licence.

The Solicitor advised that Party Pilton condition had been accepted meaning that another event would not take place within 30 calendar days.

Mr Phipps acting on behalf of the applicant was invited to ask questions of the Senior Environment Protection Officer.

During cross questioning the Senior Environment Protection Officer advised that the reference to Guidance in his oral submissions to the Sub-Committee, was in fact to unpublished guidance from 1997. He was unable to advise when it was to be published. Whilst he was unable to identify the authors of the guidance, he advised that the report was drafted by representatives from the Noise Council, upon which the Team Leader for Environment and Community Protection, sits.

The Senior Environment Protection Officer went on to confirm that as unpublished guidance, the document had no legal status. He was unaware whether the document had been peer reviewed and had not seen it.

When questioned about the table on page 64, the Senior Environment Protection Officer confirmed that he was unaware that the 10:00 – 14:00 time period, was not part of the Applicant's application for a premises licence.

He went to advise that that the reference to 43dBA in the table for PRL 823 in both columns was an error and it should in fact read 45dBA.

At 5.30 pm it was moved by the Chair and seconded by Councillors Carswell and Sprawson-White that the meeting be adjourned for five minutes.

RESOLVED:

That the meeting be adjourned for five minutes.

The meeting reconvened at 5.35 pm.

The other parties were invited to make their presentations and called in order.

Ms Benner read from a pre-prepared statement of concerns which can be summarised as follows.

- The lack of camping provision for this event.

- The event itself is proposed to be 2.5 times bigger than an event at the O2 and will therefore bring traffic problems to the lanes of Pilton.
- The style of fence does not seem to have been decided
- When asked by the Sub-Committee whether she has seen improvements in the main Festival, Ms Benner said 'no'. She also felt that the event organisers did not care about the villagers.
- It was impossible to make people appreciate what it is like living in Pilton whilst the main Festival is underway.
- Fearful that this proposed concert will grow into another Festival.
- Concerns for families trying to get their children to school if the event was permitted to take place on a weekday.

Ms Griffiths then presented her case to the Sub-Committee which was essentially as follows -

- Although there are only 3 other Parties giving representations, it does not reflect the level of stress that the events cause the villagers.
- Specific questions remain unanswered.
- A number of matters are being directed to management plans and that the only time the Other Parties will have any leverage is here today.
- To grant the application will be a breach of the human rights of the villagers.
- If 49,999 people are permitted to be in attendance, how will they be dealt with as there will be massive vehicle movements in and out. The risk has not been properly assessed. We have also been told that here will be no accommodation provided for these people.
- Is there a Parking Strategy to prevent illegal parking in the village?
- When is the event going to take place?
- What protection will there be for underage persons.
- There are COVID risks
- The cumulative effect of this proposed event, the Pilton Party and the main Festival. When will the Council review its Statement of Licensing Policy as it should consider introducing a cumulative impact policy?
- The Manchester Proposal would provide a solution to this part of the problem.

Mr Hall then set out his case to the Sub-Committee as summarised below –

- The Application is poorly defined and non-compliant
- The application is rushed and its approach complacent and arrogant. The Applicant does not seem to know whether they are proposing a Pilton event or a light Festival.
- There has been late and ineffective consultation. Whilst the Applicant attended Pilton Parish Council the Applicant missed two other opportunities to engage, which contrasts with the Priddy Parish Council approach.
- How can residents and the Responsible Authority understand cumulative impact when information is not shared?
- Regarding the control of patrons attending the event, whilst a big fence will provide a deterrent, we do not know what type of fence will be used. How can you have a Security Plan if you don't have this information?
- Planning – the guidance mentions discussions between the Planning and Licensing Officers.

At 6.30 pm it was moved by the Chair and seconded by Councillors Carswell and Sprawson-White that the meeting be adjourned for five minutes.

RESOLVED:

That the meeting be adjourned for five minutes.

The meeting reconvened at 6.35 pm.

Mr Phipps presented the case for the Applicant and advised that Mr Leversedge would address the Sub-Committee regarding noise. Mr Phipps commented as follows -

- The application arises because of the coronavirus pandemic. It is made to safeguard the significance of the Festival and to ameliorate the cultural and commercial loss arising from its cancellation this year and last year.
- The event is proposed to be held on 17 and 18 September on a single stage from 14:00 until 00:00 hours.

	<ul style="list-style-type: none"> • The event was completely different event to the Festival. • There would be 40k public ticket holders with 10k staff. • The team managing event is the same team that manages the Festival. • In terms of dialogue, there has not been as much pre-application consultation as there would normally be. The Government's road map out of COVID was announced on the 22 February which has had a significant impact and considerably shortened timelines. • The application is entirely proper and comprehensive. • Jen Mackley emailed the Parish Council on the 30 March. The Applicant has attended a MAP meeting and, on the 8 April, consulted with Messrs Lakin and Cloke and Inspector Mark Nicholls of the Avon and Somerset Constabulary. • The suggestion that the conditions are not comprehensive is refuted. • If the EMP is not signed off by the Licensing Authority, there will be no event. • Regarding COVID-19, public health does not come within the remit of the Licensing Act 2003. The COVID restrictions/requirement do however trump everything and will be monitored closely. • In terms of Fire Safety, there is no representation from the lead authority. Whilst this cannot be taken as an endorsement of the application, it does mean that the Responsible authority is satisfied with the arrangements that are proposed. • Traffic and Transport – the Other Parties do not appreciate the level of detail in the application which has not been submitted by a 'Johnny Come Lately'. • As this is an application for a new event, it is highly appropriate that the Operating Schedule is different and that it doesn't mirror the Operating Schedules for the other events. Your Legal Advisor will no doubt provide advice the Sub-Committee that it is a fundamental tenet of premises licensing that each application is to be treated on its own merits. Mr Kolvin QC, who has provided advice to the Sub-Committee will no doubt be very familiar with this principle. • In terms of Environmental Protection, there has been a request for a series of conditions in Mr 	
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	<p>Lakin's representation. The Applicant does not agree that the conditions requested are necessary in the circumstances. The conditions on page 62 are agreed but are covered by MAP provisions. The second sentence of bullet point number 2 on page 63 of the Agenda papers is not agreed. It is an unlawful condition.</p> <ul style="list-style-type: none"> • On page 64. The condition involving a suggested dBC level is based upon an unpublished document which is an extraordinary proposition. • The cumulative effect – the proposed event is 2 single standalone days that will finish at 00:00. Mr Hall and I agree about the Pilton Party, but we are not dealing with the Pilton Party. The levels proposed are legitimate and fair, the Applicant is asking for 70dBA not 75dBA. Mr Leversedge has been involved with the Applicant and Mendip since 2002. • Traffic – Steve Russell Yarde will speak about getting patrons in and out of the premises. This has been discussed with the Highway Authority, the Parish Council and the Avon and Somerset Constabulary. • The Applicant has sought to accommodate residents. <p>In terms of Mr Hall's comments, Mr Phipps advised as follows –</p> <ul style="list-style-type: none"> • The Applicant does not accept that there has been a lack of engagement on its part. • The use of the farm for camping this summer. That is a planning matter for planning. • The application for a licence in perpetuity – is open for an Applicant to seek a discrete licence for a short period of time. The Applicant has chosen not to do this. • The Applicant will have an appropriate fence in place. • Criticism that Licensing Officers have not been robust is unfair. You only have to look at the dialogue that has been taking place. <p>In terms of Ms Griffith's comments, Mr Phipps advised -</p> <ul style="list-style-type: none"> • I would invite the Sub-Committee to look very carefully at the oral representation today. These should relate to those matters set out in the written representation. • Each application should be dealt with on its own merits and so the suggestion that comparisons 	
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	<p>should be made to other events should be ignored.</p> <ul style="list-style-type: none"> • Reference to an “unlicensed pub” is a mirror into the tone and appropriateness of the representation. • As the Applicant’s legal representative, I have written to all the Other Parties. • Comparisons have been made to the 1985 Festival and the 2000 Festival. However, the proposed event is not a Festival. <p>Mr Leversedge was then invited to address the Sub-Committee. He stated that he had overseen noise management for the Festival since 2002. He went on to advise as follows -</p> <ul style="list-style-type: none"> • Initially the licence only allowed up to 60 decibels at the Pyramid Stage. This caused problems with crowd logistics. • An application to increase to 65 decibels was granted. We haven’t seen a rise in complaints and take this as a fair yardstick to go by. • Regarding the guidance on dBC levels, I was part of a committee that looked at this as part of a Code of Practice in 2008. No document emerged and the Applicant does not feel that it should be accepted. • The period between 10:00 – 14:00 hours is not part of the application and it should not therefore be part of a condition. • I would propose to be on site throughout the event, monitoring the stage and off site, predominantly in Pilton. I will be in full control of the sound levels, contactable and available. <p>When questioned by the Sub- Committee as to the suggestion that a ‘Manchester Group’ be set up, Mr Leversedge advised that Adrian Coombs was responsible for community engagement. He advised that we are here because of COVID and was hopeful to be back on track for the main Festival and the Pilton Party, soon.</p> <p>In response to further questions the following points were made –</p> <ul style="list-style-type: none"> • Regarding questions on a licence in perpetuity and every fallow year, Mr Phipps stated that this is a COVID inspired application for a COVID inspired 	
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event. Whilst there was no intention to hold this event every fallow year, the applicant could not say they would not.

- In terms of ticket sales and whether they will be for one night or a weekend, Mr Phipps advised that nothing could be done before the Applicant had a licence. The Applicant would then need to understand the roadmap post 21 June and then look at available artists. The Applicant will develop a ticketing strategy and line-up that takes account of the community regarding available facilities.
- Under 18s will be admitted with a responsible adult with smaller children be admitted for free. All arrangements regarding children will be set up following full liaison with Responsible Authorities.
- With regards to where people will stay, Mr Phipps advised that a condition will be offered to Ms Benner that the Applicant will sweep all car parks before and at the end at the end of the event. This will be included in the Security and Stewarding Plan.
- Finally, Mr Phipps stated that there are clearly economic benefits to the wider community if patrons were able to stay for consecutive nights but there would also need to safeguard residents. The Applicant advised that anybody purchasing a ticket would be advised that there was no camping on site. There are a lot of local B&Bs, hotels and campsites in the vicinity The Applicant has contacted bus operators in Glastonbury, Street, Wells and Shepton Mallet. The event will not be held in June-July, so it will be colder and get darker early. The Applicant will be recommending patrons to go off site on the basis that they will put in hand arrangements to get them back.

At 8.15 pm it was moved by the Chair and seconded by Councillors Carswell and Sprawson-White to adjourn the meeting for five minutes.

RESOLVED:

That the meeting be adjourned for five minutes.

The meeting reconvened at 8.20 pm.

The Chair the invited the parties to sum up.

In summing up the Senior Licensing and Business Support Officer advised the Sub-Committee to consider

the matter on its merits. He advised the Sub-Committee to have regard to the Licensing Act 2003 and to the Council's Licensing Policy.

He presented the Sub-Committee with three options:

- Grant the application with no modifications, and only attach conditions as required by the 2003 Act. These shall include mandatory conditions and conditions consistent with the operating schedule.
- Grant the application, modified to such an extent as the Licensing Authority considers appropriate for the promotion of the Licensing Objectives
- Refuse the application, giving reasons for its decision.

The Legal Adviser reminded the Sub-Committee of the advice given at the beginning of the meeting in terms of the appropriate weight that should be afforded to the Licensing policy, given the fact it had expired.

Ms Benner felt insufficient reassurance had been provided to the villagers given the concerns raised.

Ms Griffiths felt the application was non-compliant and vague. She felt given the fact the application was unclear the Sub-Committee should either reuse it or seek clarity. She felt that give so many matters were being 'parked' into the management plan, highlighted the gaps.

Moving on, Ms Griffiths urged the Council to improve its engagement with effected communities. She felt consideration should be given to cumulative effect, given the stress the events caused.

She concluded by asking Members to consider the facts and to consider the real concerns that existed.

Mr Hall felt the Council had failed to comply with its statutory requirements. The application had been rushed through resulting in non-compliance.

He added that the volume of additional information provided, such as the additional conditions, resulted in a feeling of unfairness.

Mr Hall requested that the Sub-Committee, if it is so minded, to grant the licence for a period of one year only, given the Applicant has advised the application arose because of COVID.

	<p>Finally, he stated that the village needed peace of mind, and requested a full public meeting.</p> <p>The Solicitor reminded the Sub-Committee of the submissions from Public and Environment Protection. This covered the agreement reached with Public Protection as well as those agreed in part with Environment Protection.</p> <p>Mr Phipps on behalf of the Applicant stated that when considering the agreed conditions, it showed the level of detail that had been included as part of this application and noted that no objections had been submitted from the Police or Fire Services.</p> <p>In terms of objections, he highlighted that only three had been submitted and urged the Sub-Committee to consider those objections in that context.</p> <p>He refuted the claim that the Applicant had failed to consult and advised that two of the three objectors had refused to engage. He also highlighted that not all the objections made were material to the licence application nor were all the points made contained within the written representations.</p> <p>Mr Phipps stated that it was entirely reasonable for measures to be considered in the management plan as the process evolved.</p> <p>In conclusion, he accepted constructive criticism and appreciated that the system was challenging. However, he felt there was nothing in the procedure today that was unusual.</p> <p>At 8.50 pm the Chair closed the meeting and the Sub-Committee deliberated in private session.</p> <p>RESOLVED:</p> <p>That the Decision Notice be referred to for details of the decision.</p>	
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The meeting closed at approximately 8.50 pm