



Licensing Sub-Committee  
Thursday 7<sup>th</sup> April 2022  
Shrewsbury and Oswestry  
Room's - Shirehall

Item

**Public**

## LICENSING ACT 2003

### APPLICATION FOR A PREMISES LICENCE

**Responsible Officer** Ross O'Neil, Public Protection Officer (Specialist)  
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#### 1. Summary

To consider an application for a new Premises Licence.

Premises: Audio Farm Festival, Hopton Court, Hopton Wafers, DY14 0EF

Shropshire Council being the authorised licensing authority for the above premises has received an application for a new premises licence.

The application has been accepted as a valid application and during the statutory consultation period relevant representations were made. The application is therefore required to be determined by way of a hearing of the Licensing Sub-Committee.

In determining the application the licensing authority must give appropriate weight to:

- the steps that are necessary to promote the licensing objectives;
- the representations (including supporting information) presented by all parties;
- Guidance issued under Section 182 of the Licensing Act 2003;
- Shropshire Council's Licensing Policy 2019 - 2024.

After considering all the relevant issues the licensing authority may grant the application in full or in part, subject to such conditions that are deemed necessary and appropriate. Any conditions imposed must be appropriate for the promotion of the licensing objectives.

Alternatively the application can be refused if it is considered appropriate for the promotion of the licensing objectives.

Following a hearing, the licensing authority should give its decision and provide reasons to support it. This will be important if there is an appeal by any of the parties.

All parties are required to be notified of a decision and that decision should be accompanied by information on the right of the party to appeal.

## **2. Recommendations**

That the Sub-Committee determines the application in accordance with the Statutory Guidance issued under s182 of the Licensing Act 2003, the Council's Statement of Licensing Policy, the information contained within this report, supporting documentation and having had due regard to the applicant and the parties/authorised bodies making relevant representations.

That the Sub-Committee determines the application in accordance with the options in paragraph 9.

That the Sub-Committee provides the reasons for its decision.

## **REPORT**

### **3. Human Rights Act Appraisal**

The Committee is required to consider the consequences of refusal or approval on the applicant's human rights.

### **4. Financial Implications**

None.

### **5. Purpose of Report**

To consider an application for a new Premises Licence for Audio Farm Festival, Hopton Court, Hopton Wafers, DY14 0EF (A copy of the location map and location photographs can be found at **Appendix A and B**).

### **6. Background**

- 6.1 Audio Farm Limited have made an application for a new Premises Licence between Thursday 1<sup>st</sup> September and Tuesday 6<sup>th</sup> September 2022. The applicant proposes to hold a five-day festival on the grounds at Hopton Court, which is an estate set in parkland, with the nearest village of Hopton Wafers approximately 0.5 miles to the South- West. The grounds are available for weddings, events, and festivals to utilise which include the walled festival site. (A copy of the application, plan, noise mitigation document and traffic management map can be found at **Appendix C, D, E and F**).

Audio Farm describe themselves as a family friendly annual grass roots music and arts festival which celebrates the finest electronic and lives sounds with a diverse line-up that brings together emerging underground talent alongside huge headliner legends. The festival is a balance of high energy dance floors with a diverse orbit including healing & holistic classes, massages, talks,

workshops circus performances and more. The music includes the best of House, Techno, Disco, Drum & Bass, Dub, Electro, Jungle, Reggae, Jazz, Rock, Ska, Balkan Folk, Acoustic and Afrobeat.

A premises licence was granted for a five-day festival between 2<sup>nd</sup> – 7<sup>th</sup> September 2021. Representants received off authorities and other persons were resolved by the applicant at the time; the licensing authority received a complaint approximately 3 weeks after the event off two members of public.

6.2 The requested licensable activities and opening hours are:

**Supply of Alcohol (On premises only)**

Thursday 1<sup>st</sup> – 14:00 to 00:00  
Friday 2<sup>nd</sup> – 09:00 to 01:00  
Saturday 3<sup>rd</sup> – 09:00 to 01:00  
Sunday 4<sup>th</sup> – 09:00 to 01:00  
Monday 5<sup>th</sup> - 09:00 to 23:00

**Live music (Outdoors)**

Thursday 1<sup>st</sup> – 14:00 to 23:00  
Friday 2<sup>nd</sup> – 09:00 to 01:00  
Saturday 3<sup>rd</sup> – 09:00 to 01:00  
Sunday 4<sup>th</sup> – 09:00 to 23:00  
Monday 5<sup>th</sup> - 09:00 to 23:00

**Recorded music (Outdoors)**

Thursday 1<sup>st</sup> – 14:00 to 23:00  
Friday 2<sup>nd</sup> – 09:00 to 01:00  
Saturday 3<sup>rd</sup> – 09:00 to 01:00  
Sunday 4<sup>th</sup> – 09:00 to 23:00  
Monday 5<sup>th</sup> - 09:00 to 23:00

**Performance of dance (Outdoors)**

Thursday 1<sup>st</sup> – 14:00 to 01:00  
Friday 2<sup>nd</sup> – 09:00 to 01:00  
Saturday 3<sup>rd</sup> – 09:00 to 01:00  
Sunday 4<sup>th</sup> – 09:00 to 01:00  
Monday 5<sup>th</sup> - 09:00 to 00:00

**Late night refreshments (Both)**

Thursday 1<sup>st</sup> – 23:00 to 02:00  
Friday 2<sup>nd</sup> – 23:00 to 03:00  
Saturday 3<sup>rd</sup> – 23:00 to 03:00  
Sunday 4<sup>th</sup> – 23:00 to 03:00  
Monday 5<sup>th</sup> - 23:00 to 01:00

**Anything of a similar description to that falling within live music, recorded music or Dance (Outdoors)**

Thursday 1<sup>st</sup> – 14:00 to 00:00  
Friday 2<sup>nd</sup> – 09:00 to 01:00  
Saturday 3<sup>rd</sup> – 09:00 to 01:00  
Sunday 4<sup>th</sup> – 09:00 to 00:00  
Monday 5<sup>th</sup> - 09:00 to 23:00

**Opening Hours**

Thursday 1<sup>st</sup> – 14:00 to 00:00  
Friday 2<sup>nd</sup> – 00:00 to 23:59  
Saturday 3<sup>rd</sup> – 00:00 to 23:59  
Sunday 4<sup>th</sup> – 00:00 to 23:59  
Monday 5<sup>th</sup> - 00:00 to 23:59  
Tuesday 6<sup>th</sup> – 00:00 to 14:00

- 6.3 For a new application, applicants are required to submit an operating schedule detailing how they intend to promote the four licensing objectives, these are the prevention of crime and disorder, promotion of public safety, the prevention of public nuisance and the protection of children from harm. The applicant has indicated those steps on their application within section M.

Representations had been received, and withdrawn following agreements with Environmental Health, Trading Standards, Police and the Licensing Authority Responsible Authority to add to the conditions as follows –

6.3.1 General

All conditions within this section and public safety within section M of the application to be replaced by the four conditions as below within public safety.

6.3.2 Prevention of Crime and Disorder

1] Security stewards will be on site at all times (during opening hours) with a clear chain of command, designated roles and communication protocol.

2] There will be one SIA qualified staff to guests on a ratio of 1:200 during opening hours who will control the number of guests by an auditable clicker system (record numbers of attendees on site during opening hours) and complete people and bag searches.

3] Admission to the site shall be through approved entrances. The entrances shall be staffed by SIA registered security staff with two SIA security staff to each entrance point and search point area. All tickets will be checked by door staff on entry to the festival.

4] Security, SIA qualified staff, health and safety officer and the events team will communicate via multi-channel 2 way radios.

5] All drinks alcoholic or non-alcoholic to be consumed outside should be served in non-glass receptacles. No alcohol will be served in cans to ensure that there is no risk of any-one under the age of 18 drinking alcohol from cans.

6] There will be zero tolerance to weapons and drugs. The Premises Licence Holder shall display notices at the entrances to the site advising attendees that a search policy is in place and that the police will be informed if anyone is found in possession of controlled substances or weapons.

7] Drugs seized or found will be placed in a suitable locked receptacle kept for that purpose. Means for securing and unlocking the receptacle will be held by the premises licence holder or a nominated responsible person. A record shall be made of the date and time of the seizure/ find. The person who made the seizure/find and the person who secured the seized/ found item(s). This record will be made available to any authorised authority on request. The premises licence holder shall make suitable arrangements with the police for the collection of any seized or found items.

### 6.3.3 Public Safety

1] The licence holder will complete and submit Shropshire Council's Safety Advisory Group (SAG) Notification of an Event documentation within 7 days of the premises licence issue date.

2] The licence holder will fully engage with the SAG process. This will include the attendance of key personnel at any meetings organised by the SAG in relation to the event (virtually, in person or on site), timely and thorough responses to requests for information or questions asked by any SAG member and complying with instructions given by SAG members in order to ensure the promotion of any or all of the licensing objectives.

3] An event management plan, including the following as a minimum in suitable and sufficient detail to the level required by all Responsible Authorities and other members of the Safety Advisory Group, will be submitted to the Safety Advisory Group by the licence holder no later than two calendar months prior to the first day of the event:

- Detailed event overview
- Event specific layout plan
- Temporary structures and infrastructure
- Highways and traffic management
- Barriers
- Crowd management
- Stewarding
- Organisation and details of contractors

- Health, safety and welfare policy statement and arrangements overview
- Event specific safety management structure
- Event specific risk assessments
- Site rules
- Communication and command control arrangements
- Waste disposal arrangements
- Lost and vulnerable persons policy
- Drugs and alcohol policy
- Medical and first aid provisions
- Fire precautions and equipment
- Sanitary accommodation
- Event specific noise management plan

(see Prevention of Public Nuisance conditions for specific detail of what is to be included in this)

- Accident reporting and investigations
- Emergency procedures
- Contingency plans

#### 6.3.4 Prevention of Public Nuisance

1] The Music Noise Level will be barely audible at noise sensitive receptors from 23:00.

#### 6.3.5 Protection of Children from Harm

1] Training on the Challenge 25 procedures, proxy sales and their responsibilities under the licensing act 2003 will be held for all persons supplying alcohol. Refresher training on Challenge 25, proxy sales and their responsibilities under the licensing act 2003 to be provided no less than annually. Training records retained and available at the premises to any authorised authority on request.

## 7. **Representations received (Responsible Authorities)**

- 7.1 Environmental Health, requested the one addition condition for prevention of public nuisance. They have also agreed separately to two noise monitoring locations and advised from previous background reading that the music volume should be controlled so that a music noise level of 51dBa (Laeq) or less, is achieved at the monitoring points during the daytime hours.

- 7.2 The Licensing Authority Responsible Authority deemed it difficult to cover every eventuality and agreed to remove the conditions within general and have the four conditions within public safety which is that of event management documentation. This will also allow highways to be involved with the SAG and advice accordingly in relation to the roads and traffic.
- 7.3 The Police requested the additional conditions as per the prevention of crime and disorder mainly to enforce the number of SIA staff per guests.
- 7.4 Trading Standards were happy with all aspects covered on the application in relation to the protection of children from harm but requested the additional conditional in relation to staff training.

## **8. Representations received (Other Persons)**

- 8.1 Three objections have been received from other persons, who have concerns in respect of the four licensing objectives. The representation map displays the location of representations in relation to the premises. (A copy of the 'other persons' location map can be found at **Appendix G**).
- 8.2 Principally the concerns relate to the noise, traffic, date, and length of the festival as well as the number of persons in attendance. (Representations can be found at **Appendix H – J**).
- 8.3 All aspects of representations have been accepted, for consideration, giving the benefit of the doubt to the person/s making the representation to allow them to amplify or clarify at the hearing.
- 8.4 The Public Protection Officer encouraged and supported parties to attempt to negotiate and mediate during the consultation period in order to remove the need for a hearing (28.18 of Shropshire Council's Licensing Policy 2019 – 2024). The representations have not been withdrawn and the applicant has indicated they wish to continue with the application as submitted and accordingly amended.

## **9. Options for Consideration**

- 9.1 The options available to the Licensing Sub-Committee having considered all the relevant information are as follows:
- To refuse to grant the licence
  - To grant the licence with conditions
  - To grant the licence but restrict the licensable activities
  - To grant the licence with restricted times
- 9.2 If the application is to be granted in line with the submitted operating schedule then conditions detailed in paragraph 6.3 of this report would need to be included in the licence, if deemed necessary and appropriate, with an appropriate decision.

9.3 Additional conditions or restrictions to licensable activities and/or times should only be imposed if considered appropriate for the promotion of the licensing objectives. If other law already places certain statutory responsibilities on a premises, it would not be appropriate to impose similar duties.

9.4 Members of the Sub-Committee should be advised that the applicant or any other person who made relevant representations in relation to the application may appeal against the decision made to the Magistrates' Court within 21 days of the date on which they were notified.

## 10. Standard of Decision Making

10.1 In accordance with the provisions of the Licensing Act 2003 and the Council's scheme of delegation, all applications where a relevant representation has been made need to be determined by this Sub-Committee.

10.2 When determining the application, the Sub-Committee should only consider issues, which relate to the four licensing objectives. The licensing objectives are:

- The prevention of Crime and Disorder
- Public Safety
- The prevention of a Public Nuisance
- The protection of Children from Harm

10.3 Members of the Sub-Committee must have regard to the statutory guidance issued under section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy. Members of the Sub-Committee may deviate from the statutory guidance and licensing policy only if they deem that there is good reason to do so.

10.4 Members of the Sub-Committee should not allow themselves to predetermine the application or to be prejudiced in favour or opposed to the licence and shall only determine the application having had an opportunity to consider all relevant facts.

### **List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)**

Shropshire Council Licensing Policy 2019 – 2024

<https://www.shropshire.gov.uk/media/12345/statement-of-licensing-policy-2019-to-2024.pdf>

Guidance issued under section 182 of the Licensing Act 2003 (April 2018)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/705588/Revised\\_guidance\\_issued\\_under\\_section\\_182\\_of\\_the\\_Licensing\\_Act\\_2003\\_April\\_2018\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf)



The Licensing Act 2003 (Hearings) Regulations 2005  
<https://www.legislation.gov.uk/uksi/2005/44/contents/made>

The Licensing Act 2003 (Hearings) (Amendment) Regulations 2005  
<https://www.legislation.gov.uk/uksi/2005/78/made>

Application form and plan (noise mitigation document and traffic management map)

Copies of representations received

**Cabinet Member (Portfolio Holder)**

Cllr E. Potter

**Local Member/s**

Cllr G. Butler

Cllr S. Harris

**Appendices**

Appendix A – Location map

Appendix B – Location photographs

Appendix C – Application

Appendix D – Premises plan

Appendix E – Noise Mitigation Document

Appendix F – Traffic management map

Appendix G – Location of ‘other persons’ representation map

Appendix H – Representation Hands

Appendix I – Representation Eyre

Appendix J – Representation Hill