

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING SUB-COMMITTEE

TUESDAY, 5TH APRIL 2022, AT 11.30 A.M.

PRESENT: Councillors R. J. Deeming, M. Thompson and P. J. Whittaker

Also in attendance: Mr. Richard Ellis Ford, on behalf of Switch Music Group Limited, Mr. Peter Turner and Mrs. Pauline Turner, local residents.

Officers: Mr. R. Keyte, Mr. P. Morrish and Mrs. P. Ross

13/21 **ELECTION OF CHAIRMAN FOR THE MEETING**

RESOLVED that Councillor R. J. Deeming be appointed Chairman of the Sub-Committee for the meeting.

14/21 **TO RECEIVE APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

An apology for absence was received from Councillor P. M. McDonald, therefore, Councillor M. Thompson, Reserve Member, sat as a Member of the Sub-Committee.

15/21 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

16/21 **APPLICATION FOR THE GRANT OF A PREMISES LICENCE IN RESPECT OF SWITCH MUSIC GROUP LIMITED, BIBBEY'S FARM, BROMSGROVE ROAD, ROMSLEY, WORCESTERSHIRE, B62 0JN**

The Chairman welcomed everyone to the meeting and asked all parties present to provide a brief introduction.

The Chairman asked the applicant if he was aware that he could have had legal representation. The applicant confirmed that he had been made aware and was happy for the Hearing to continue.

The Sub-Committee then considered an application for the grant of a Premises Licence, in respect of Switch Music Group Limited, Bibbey's Farm, Bromsgrove Road, Romsley, Worcestershire, B62 0JN.

The application was subject to a Hearing in light of one representation received from members of the public. The basis of their representation

was on the grounds of Crime and Disorder, Public Nuisance and Public Safety; due to the issues experienced during a similar event in 2020. Namely, people arriving in cars outside their house, dropping and collecting people attending this event, who appeared to be intoxicated by alcohol or drugs, urinating outside their house, this was happening whilst waiting for taxis. Littering with discarded fast food wrappers and broken bottles.

The address of the application was queried by those who had submitted a representation, which was noted. For clarification, the application site lay within the Belbroughton and Romsley ward area and Hunnington Parish Council.

The Technical Officer (Licensing) Worcestershire Regulatory Services (WRS), introduced the report and in doing so informed the Sub-Committee that the applicant was applying for a 'time limited' premises licence; and that he had received an email, dated 4th April 2022, from the applicant notifying WRS of an amendment to the opening hours, as follows: -

Sale of Alcohol

Friday 12 th August 2022	14:00 hours to 22:40 hours
Saturday 13 th August 2022	12:00 hours to 22:40 hours

Live Music

Friday 12 th August 2022	14:00 hours to 23:00 hours
Saturday 13 th August 2022	12:00 hours to 23:00 hours

The Technical Officer further informed Members that during the consultation period it was discovered that the applicant had not advertised the application in accordance with the required regulations. Therefore, the statutory consultation period was re-started on 14th February 2022. Members were reassured that the application was advertised in accordance with the requirements of the Licensing Act 2003 and associated regulations.

The applicant had stated on the application form that the event would involve professional electronic dance music DJ's mixing in their own sets throughout the two day event.

The Designated Premises Supervisor was identified on the application form as Mr. Richard Ellis Ford.

Members' attention was drawn to page 7 of the main agenda report, which detailed that West Mercia Police and Hereford & Worcester Fire and Rescue Service, had not objected to the application, but had during the consultation period agreed additional conditions with the applicant, as detailed at Appendices 3 and 4 to the report.

In response to those who had made representation, the Technical Officer, confirmed that West Mercia Police were consulted with and did

have sufficient time to respond to the consultation and that as detailed in the preamble above; West Mercia Police had not objected to the application.

In response to questions from Members, the Technical Officer stated that the application indicated that less than 5,000 people would attend, for the number of people likely to attend there would be suitable car parking.

At the invitation of the Chairman, Mr. Richard Ellis Ford, the applicant put forward the case in support of the application.

Mr. Ford informed Members that to date 150 tickets had been sold, and that there could be 600/700 people on site. He had been involved in previous events, which had been running for 6 years. They were expecting people from Birmingham, who had attended those previous events, to attend this event. The site was used for car boot sales and there was adequate parking for 600/700 people. They would also look at providing coach / bus facilities for people from Birmingham who wanted to attend the event. If further parking were needed, they would be able to access and use the Birds Factory, which was currently closed, for any additional parking or coach drop off / pick up points.

Mr. Ford continued and in doing so, referred to the representation received. The representation from Mr. and Mrs. Turner had stated that it was based on their negative experience suffered during the event hosted at the farm in 2020.

Mr. Ford explained that this event had taken place during the Covid-19 pandemic, when some of the lockdown restrictions were removed. Tickets were sold for people to attend in groups of 6 (with seating for 6 people in painted boxes). Less than 200 music fans were in attendance and no complaints were received with regard to noise. The police had attended and had commented that it was a good event. The toilets were maintained and there was a cashless bar, they did not sell drinks in glass bottles. The event was compliant with all of the required restrictions. People attending had not parked on Mr. Turner's land, as Mr. Turner had blocked the entrance.

This new event would have traffic marshals monitoring all parking areas and people would not be allowed to access Mr. Turner's land. The traffic marshals would stop anyone entering the event after a certain time in the day. There would be no camping facilities this time (which were made available in 2020).

Mr. Ford mentioned that following on from the event in 2020, and as a goodwill gesture a hamper was delivered to and accepted by Mr. and Mrs. Turner. There were no allegations of people urinating or any food wrappers or glass bottles being discarded. The catering van had left the event three hours before it had ended as there was not a great demand for food. Those running the event had tidied up every bit of litter on the

land, which would be used again by cattle. If any debris had been left the farmer would not let them use the land again.

At this point, Mrs. Turner denied ever meeting Mr. Ford or receiving and accepting any hamper. A further discussion followed between Mr. Ford and Mrs. Turner with regard to the delivery and acceptance of a hamper.

Mr. Ford continued and further comment that coaches would be arranged in order to transport people from and back to Birmingham. He did not want there to be any issues with people attending the event.

In response to questions from Members, Mr. Ford explained that there was a shared access to the site on the Bromsgrove Road. This access was blocked by Mr. Turner with fencing and scaffolding at the event in 2020.

In response Mr. Turner stated that the farm was at the rear of his property, he denied blocking the access and explained that there was a company called Ascent nearby, they had access to scaffolding. It was definitely not him.

At the invitation of the Chairman, the Other Parties to the proceedings, namely Mr. P. and Mrs. P. Turner addressed the Sub-Committee.

Mr. Turner referred to the maps and stated that the site was used for car boot sales but only for a certain number of days throughout the year. The main parking area was on the field, and Mr. Turner highlighted that due to the area not being suitable for car parking, the car boot sales were called off. There was no public transport nearby.

Mr. Turner continued and further informed Members that the site could only be accessed by a narrow path, it was a tiny village, there were no street lights and restricted public access. He was objecting, as the event in 2020, held during Covid-19 restrictions; saw people arriving and waiting to be collected at the end of the night outside of his property. They were intoxicated by alcohol / drugs. There was littering outside his property with broken bottles, food wrappers; which he agreed could have been purchased from other venues.

The 2020 event had resulted in the police being called out. It was not just a two day event, there would be the setting up the day before and taking equipment down the day after; which was a public nuisance.

Break ins had been experienced in the area and they were concerned that the event would cause further crime and disorder by allowing people to congregate outside of their property, it was asking for trouble.

If the community had been made fully aware of the application for this event, there would have been several objections, including Hunnington Parish Council; who were unaware of the application and therefore did not have the opportunity to object to the application before the deadline.

The police also did not have time to respond within the deadline. Furthermore, the newspaper in which the application was advertised was not delivered to their area.

Mr. Turner also commented that should there be an accident on the B4531 traffic would be diverted at Junction 3 / 4 and diverted traffic on a single lane would create a back-up of traffic.

If the licence were granted, they would have to hold a vigil outside of their house, which was totally unacceptable.

Therefore, he would ask Members to refuse the application on the following grounds: -

1. Public Nuisance
2. Potential increase in Crime and Disorder
3. Public Safety

In response to Members and Mr. Turner, the Technical Officer reiterated that as stated earlier, that the application had been advertised in accordance with the required regulations. It was advertised in local newspapers and officers were informed that these newspapers were distributed in the area for which the application was being applied for. The application was also detailed on the Council's and Worcestershire Regulatory Services websites.

At the invitation of the Chairman, in summing up, Mr. Ford explained that they would be taking on all of the necessary checks and measures for this event. He had spoken with the police and no complaints were received following the event in 2020. His colleague had spoken with Hunnington Parish Council, who had asked for free tickets for local people to attend the event. The Parish Council were satisfied with the event being held. Some local people had been contacted direct and were asked questions and seemed satisfied. He would like to try and find a middle ground to resolve the objections that had been raised.

At this stage in the Hearing, the Council's Legal Advisor asked Mr. and Mrs. Turner if they wanted to speak.

The Council's Legal Advisor referred to paragraph 5 – Legal Implications, as detailed on page 7 of the main agenda report. The Sub-Committee were reminded that the primary source of evidence in respect of crime and disorder was the police and in respect of this application they had not objected.

As the Chairman closed the meeting (at 12:08 hours), Mr. Turner stated that he had not been given the opportunity to sum-up, as Mr. Ford had been.

In response the Council's Legal Advisor informed the Sub-Committee that he had asked Mr. Turner if there was anything further he wished to say, he apologised for causing any confusion.

With the agreement of the Chairman, Mr. Turner was given the opportunity to sum up.

In summing up, Mr. Turner referred to the various references made by Mr. Ford with regard to the delivery and acceptance of a goodwill gesture, namely a hamper, following the event held in 2020. Mr. Turner reiterated that they had never received or accepted a hamper and that the Parish Council asking for free tickets, was untrue, both statements were fictitious. The Parish Council did not have sufficient time to object to the application. All evidence should be based on facts and truth.

Mr. Turner continued and in doing so, further informed the Sub-Committee that he had lived in his home for 21 years. It was a private community, and he hardly knew his neighbours. The area was an unlit single narrow lane and Mr. Ford wanted to hold a 'Glastonbury' type event at the rear of their property. If the application had been advertised in the proper manner, there would have been lots of objections. He had spoken with his neighbours, who were totally unaware of this event. If the licence was granted there were going to be issues.

In response Mr. Ford commented that any reference he had made to the Parish Council requesting free tickets could be evidenced. He wanted to be open with residents and wanted to address any real concerns, he was willing to listen.

Having had regard to:

- The licensing objectives set out in the Licensing Act 2003.
- The Council's Statement of Licensing Policy.
- The guidance issued under section 182 of the Act.
- The Report presented by the Technical Officer, Licensing, Worcestershire Regulatory Services.
- The application and oral representations made at the Hearing by Mr Richard Ellis Ford on behalf of the Applicant Switch Music Group Limited, Bibbey's Farm, Bromsgrove Road, Romsley, Worcestershire, B62 0JN.
- The written representations and oral representations made at the Hearing by Mr. Peter Turner and Mrs Pauline Turner.

The Sub-Committee decided to grant the application for a premises licence relating to Switch Music Group Limited, Bibbey's Farm, Bromsgrove Road, Romsley, Worcestershire, B62 0JN with the additional conditions agreed with West Mercia Police and Hereford & Worcester Fire and Rescue Service and included within the report as Appendix 3 and 4 respectively and the amended hours proposed prior to the meeting and documented as part of the meeting.

The reasons for the Sub-Committee's decision were as follows:

- The Sub-Committee considered the written application submitted by the applicant, Switch Music Group Limited and the oral representations and additional information provided at the Hearing by Mr. Richard Ellis Ford on behalf of the applicant.
- Mr. Ford accepted that there were issues last time a similar event was run, in 2020 which was run during the National Lockdown due to Covid-19 pandemic. He stated that this time parking marshals would be made available on the day to direct people to the correct parking areas and that a bus would be provided between the event and Birmingham, which was considered one of the principle locations from which attendees would travel.
- It was stated that the event in 2020 attracted less than 200 people, it was anticipated that around 600/700 people would attend this year, currently they had sold around 150 tickets to the event and around 10 car parking spaces. The car park used was the same that was used for car boot events currently held, but additional car parking was available at the nearby Birds factory if required. Mr. Ford stated the event last year was considered a success and there were no complaints other than by Mr. Turner. The field other than during events was still used as farming land for animals and so rubbish, including any dangerous rubbish would be picked up after the event.
- There appeared to be considerable disagreement as to both facts and circumstances over the previous event and events since between the applicant and the objector Mr. Peter Turner. The Sub-Committee however only considered information that was before them during the hearing and did not concern themselves with evidence that was disputed and neither party had presented any evidence in support.
- The Sub-Committee considered the representations submitted by and on behalf of Mr. and Mrs. Turner. Some were in respect of parking which in isolation were not relevant to the Licensing Objectives. He also raised issues that the sole access was a single narrow lane, which had no street lighting, and there was restricted public transport, these issues were only considered in the effect or relevance to the licensing objectives. Specific issues raised were around intoxicated attendees congregating outside their house during collection/drop of times and while waiting for taxi's along with littering including food wrappers and broken bottles. He believed the licensing objectives that were relevant were crime and disorder, public nuisance and public safety.
- Mr. Turner further stated that the inconvenience extended beyond the two days of the event due to set up and taking down times. He highlighted public nuisance and an increase in break ins, stolen cars and crime generally it was not suggested that these were limited to

times of the event but suggested that people congregating outside his property only increased the likelihood of this happening.

- The Sub-Committee noted particularly in relation to crime and disorder that while the Police had agreed some additional conditions, as set out in appendix 3, they had not objected to the application. The Sub-Committee were reminded by the legal advisor that the primary source of evidence in respect of crime and disorder was the Police and in respect of this application they had not objected.
- The Sub-Committee did not find evidence to support representations that anti-social behaviour was likely and in particular noted that the police had not made any representations in respect of this. The Sub-Committee noted that Mr. Ford on behalf of the applicant accepted there were issues last year and that steps would be taken this year such as parking marshals and buses. The Sub-Committee disregarded references to activities which were already taking place at the location; these did not fall within the licensing remit and therefore were not considered relevant for the purposes of determining the application.
- The Sub-Committee was required to focus on the promotion of the licensing objectives and having had regard to the representations made by all concerned parties, Members concluded that the premises license should be granted with the amended proposed hours and the additional conditions contained within appendixes 3 and 4.
- The Sub-Committee would remind all parties of the review process that applied to any premises that failed to promote the licensing objectives. Any party was able to request a review of a licence where evidence indicated that the licensing objectives were not being met.

The following legal advice was given:

- That the Licensing Objectives must be the paramount consideration.
- That the Sub-Committee may only have regard to the representations which promote the four licensing objectives.
- The Sub-Committee must consider only those matters directly relevant to the premises under consideration and only those matters that fall under the Licensing Sub-Committee's jurisdiction.
- The Sub-Committee may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. Conditions must be appropriate in order to promote the licensing objectives.

- That the principle source of information related to the crime and disorder objective was the Police and while they had agreed additional conditions they had not objected to the application.
- The review process was available to any party if evidence was established to indicate that the licensing objectives were not being met.
- An appeal to the Magistrates' Court against the Sub-Committee's decision must be lodged within 21 days of the date on which written confirmation of the decision was received by the Applicant.

The meeting closed at 12.13 p.m.

Chairman