

Minutes of the meeting of the LICENSING AND APPEALS HEARINGS PANEL held at 9.30 am on Tuesday, 22nd January, 2019 at Meeting Room 2, Civic Centre, Stone Cross, Northallerton

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Present

Councillor M A Barningham (in the Chair)

Councillor S P Dickins

Councillor D Hugill

LAHP.26 **TEMPORARY EVENT NOTICE, LENTHOR FARM, STOKESLEY ROAD, BROMPTON**

Northallerton North and Brompton Ward

**The subject of the decision:**

The Director of Law and Governance (Monitoring Officer) asked the Panel to consider a temporary event notice in respect of a proposed event at Lenthor Farm, Stokesley Road, Brompton from 13 September 2019 to 16 September 2019.

**Alternative options considered:**

The Panel considered the options outlined at paragraph 7.1 of the Director's report, and as it was satisfied that that there would be an adverse effect on the licensing objectives, the Panel could not allow the event to go ahead as stated in the temporary event notice.

**The reason for the decision:**

The Panel considered the Director's report, representations from the parties, the Licensing Act 2003, the Council's Statement of Licensing Policy, the guidance issued under section 182 of the Licensing Act 2003 and the four licensing objectives.

The Panel considered an objection to the temporary event notice from the Council's Environmental Health Service which made reference to the likely adverse effects on the prevention of public nuisance objective caused by noise levels from the event. The Panel was informed that there had been a history of noise related complaints resulting from events held at Lenthor Farm which demonstrated that the site was a noise sensitive location.

The Council's Environmental Health Officer informed the Panel that a similar event was held at Lenthor Farm by the same premises user in 2017. The Panel was informed that in 2017 the premises user had in place a noise management plan, however, the event attracted fifteen noise related complaints. The Panel noted that the majority of complaints received in relation to the 2017 event referred to loud music late at night.

The Panel was informed that the complaints were received from properties up to a distance of 4km from Lenthor Farm. The Environmental Health Officer told the Panel that open air stages did not provide for the containment of noise and that low frequency noise such as bass sounds travel long distances and therefore could be heard far away from the source of noise.

The Environmental Health Officer informed the Panel that he had carried out a theoretical calculation of the estimated noise levels of the event as if two stages were operating at a conservative noise level between midnight and 2am. The Panel was informed that the calculation demonstrated that noise from amplified music at the event was likely to be heard by many residents.

The premises user informed the Panel that he had been unable to reach an agreement with Environmental Health (who had suggested finishing regulated entertainment at midnight) as the premises user believed this level of restriction would prevent the event being competitive with other festivals. The premises user told the Panel that he would agree to reduce the number of stages and sound systems in use after 12.30pm on Saturday and Sunday morning and 11.30pm on Sunday evening. The Panel noted that any such agreement would be unenforceable as no conditions could be imposed on a temporary event notice.

The Panel noted that in reaching its decision it must operate with a view to promoting the licensing objectives and that the viability of an event was not a relevant consideration.

The Panel concluded that the event was likely to have an adverse effect on the prevention of public nuisance objective.

**THE DECISION:**

That the event at Lenthor Farm, Stokesley Road, Brompton during the period from 13 September 2019 to 16 September 2019 not be permitted to go ahead and that a counter-notice be issued accordingly.

The meeting closed at 10.30 am

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Chairman of the Panel