

# Minutes

of a meeting of the

## Licensing Acts Panel

held on Thursday, 9 March 2023 at 10.00 am in  
Committee Room 1, Abbey House, Abbey Close,  
Abingdon OX14 3JE

**Open to the public, including the press**

### **Present in the meeting room:**

Councillors: Alison Jenner (Chair), Cheryl Briggs, and Patrick O'Leary

Officers: Sarah Commins (Legal Officer), Kate Fisher (Licencing Officer), Candida Basilio (Democratic Services Officer), Emily Barry (Democratic Services Officer) and Darius Zarazel (Democratic Services Officer)

#### **1 Election of a chair**

A motion, moved and seconded, to elect Councillor Alison Jenner as chair of the panel was carried on being put to the vote.

**RESOLVED:** that Councillor Alison Jenner be elected as chair of the panel.

#### **2 Declaration of interests**

There were no declarations of interest.

#### **3 Procedure**

The chair confirmed that all parties present understood the procedure.

#### **4 Application for a premises licence - Oxford Rugby Club Fields, North Hinksey**

The chair outlined the application and then invited the licencing officer to present their report.

### **Licencing officer**

The licencing officer informed the panel that the premises licence application was for the Oxford Rugby Club fields for an outdoor music event, which would be for two days of live music, dance performances, and the serving of alcohol from 2pm to 11pm for one weekend each calendar year.

The licencing officer then highlighted the representation made by Environmental Protection who proposed a series of conditions to be applied to the licence due to potential concerns relating to public nuisance. It was also confirmed that the applicant had accepted these amendments.

A further representation against the application from the owner of the local horse livery was received and the licencing officer presented an overview of the concerns raised; primarily that the noise and traffic would cause a disturbance to the horses and potentially cause access issues in the event that the emergency services were needed. The licencing officer also confirmed that, in response to those concerns, the applicant had agreed to several further conditions.

No members of the panel, or the applicant and objector, had questions for the licencing officer.

## **The applicant**

Martin Barker, representing the applicant, then presented their case to the licencing panel. Some of the key information they highlighted was that the event was targeted for Friday and Saturday the 23-24 June 2023 and that there would be two distinct events with no one present on the site overnight except for security. The event on Friday was an adult only Ibiza orchestra with food units, bars, and ancillary traders and the applicant expected the average age of visitors to be 33. The event on Saturday, was planned to be a sausage and cider festival with music tribute bands, bars, and food traders with an expected average age of visitors being 36, but that it was planned as a family event to allow for under 18's. For the Saturday event, the applicant confirmed that a specific welfare area, with safeguarding trained staff, would be provided.

The applicant also detailed their experience in running events and licencing matters and informed the panel that the current event configuration had been touring nationally since 2021, operated in 23 towns and cities across the United Kingdom, and had 15 events scheduled for the current year.

The applicant also confirmed that they accepted the proposed conditions from Environmental Protection and to the operating schedule, which focused on noise level limits such as a 65-decibel limit to noise at the nearest noise sensitive premises. In addition, he informed the panel that noise monitoring would be undertaken by an experienced noise management company and that their remote noise detecting sensors could be placed around the site to monitor noise volume in real time to ensure compliance. On the concerns of the owner of the horse livery, the applicant also brought the panels attention to the additional conditions they proposed, including that the rugby club car park would be used for drop-offs to minimise congestion on the road. The applicant also informed the panel that they planned to recruit four traffic marshals to direct people and vehicles into and out of the site, to direct people to the nearby park and ride, and to ensure access to the stables was maintained for the appropriate people and emergency vehicles. The applicant stressed that the successful operation of their business required them to run safe, well-run events, and that they were looking to cause as limited impact on the local community as possible.

Members of the panel asked the applicant if this was the first time they had run an event on the site, and the applicant confirmed that this was the case. In addition, when asked if they had received any complaints during their previous events, the applicant informed the panel that that they had received noise complaints but that

when these were assessed, it was found that they had not breached the agreed noise limits.

In response to a member's question about the placement of the remote noise detecting sensors, it was clarified that this was confirmed through the Safety Advisory Group process, but that they are normally on all four compass points.

Finally, members asked if the applicant had previous experience with events being held near animals such as horses, and although they had dealt with wildlife, the applicant had not specifically dealt with stables.

The legal officer asked the applicant about which two days the application was for as the report lists the events for Saturday and Sunday. However, in clarification, the applicant said that their application would be on the Friday and Saturday, and this was also noted by the licencing officer who clarified that the cover report contained an error, and the correct dates were included in the applicant's application.

The licencing officer then asked about the number of people expected to attend the events over the weekend as they had applied for 4,999. The applicant responded, saying that they believed they would likely get around 2,000 people on the Friday and 3,000 on the Saturday, plus the 150-200 personnel, but that they would be happy to keep the council updated on numbers.

The objector asked the applicant about the size of the stage and its proximity to the stables, and he informed the objector that the plans were to scale. The objector also asked if the applicants had discussed their plans with other groups, such as tennis club or local residents, and the applicant responded that they had given the appropriate licence notice and that they would be in direct contact via letter drops and on site during the setting up of the event.

## **The objector**

Ayse Ergeneli, the objector, then presented their case to the licencing panel. The objector highlighted that she had known the area for a long time and runs the horse livery which occupies land adjacent to the event site. Her primary concern was about the effect that the noise of the events would have on the horses. The objector informed the panel that the rugby club had banned certain horns being used by spectators during their games due to the impact they were having on the animals and the distress it caused, and so the objector was worried about the potential effect noise from the proposed events would have on the horses. The objector also mentioned that owners of horses' stables at the livery might need to stay by the stables for the duration of the event in order to ensure their horses were safe and emphasised the difficulty this might cause.

Another concern raised by the objector was around the disruption to their operation that would potentially result through the increased pedestrian and vehicular traffic using the access road, both during the event and during the setting up. It was mentioned that users of the livery would routinely lead their horses along the lane on Saturdays and that the increased use of the lane could cause issues. The objector also mentioned that they believed the events would have an impact on the amenity of

local residents due to the volume of pedestrian traffic that would result from the events.

The objector then asked about the notice period they would be given before future events and the applicant responded by saying that they would look to provide more than three months' notice for future events, and potentially up to six months in order to provide as much notice period as possible.

The objector also mentioned that they would like compensation for the disruption that would be caused and the moving of the horses away from the site during the weekend when the events took place. However, it was confirmed by the legal officer that requiring any form of compensation to be provided to the objector for the moving of the horses was not a part of the licencing regime.

The objector also commented on the timeframe for the public consultation, believing that more local residents would have responded if provided with a longer period to do so, however, the legal officer clarified to the panel that all the legal requirements around the publicity of the consultation were met and that the time frame of the consultation was laid out in legislation.

Members of the panel asked about how many horses were kept at the livery, and the objector confirmed there were nine and that Saturday was their busiest time, with customers leading horses down the lane in groups between one and three, twice per day.

In addition, the objector raised concerns about the setup and take down of the events, and the disruption that this would cause. In response, the applicant confirmed that setup would take place from the Wednesday immediately before the events and that the takedown would be on the Sunday immediately after. The applicant also emphasised that the setup was self-enclosed with minimal disruption and there would only be vehicles moving in and out of the site.

The objector asked about the process that would be followed in the event that the granting of the licence caused excessive disruption and the licencing officer confirmed that the licence could be brought in for a review if there was a breach of the licencing conditions. The objector and the panel also noted that the licence could also be called in by other parties who had evidence of a breach of the licence but that the licencing officer did not believe that the welfare of the horses in the livery would be a reason for the licence to be reviewed.

## **Final submissions**

The chair then invited each party to present their final submissions and the applicant concluded by confirming that they were open to further conversations, should the licence be approved, and that there would be further consultations. The licencing officer and the objector did not provide a final submission.

Finally, the chair invited all the relevant parties to confirm that they had been provided with a fair opportunity to put their respective cases to the panel and each party confirmed that they had received that opportunity.

The panel then retired and excluded all the people from the meeting room apart from the democratic services officers and the legal advisor while they deliberated on the application.

## **Deliberation**

The panel then deliberated the application.

The panel considered the written and oral evidence of all parties and the relevant provisions of the Act; the Secretary of State's guidance issued under section 182 of the Act; and the council's licensing policy. The Panel also considered what would be reasonable and proportionate having regard to the Act and associated regulations and guidance, the promotion of the licensing objectives, and the Council's licensing policy.

The panel only considered evidence relevant to the licensing regime and to the promotion of the licensing objectives. The panel did not take account of non-regulated activities, any activities not within the control of the premises or those which were not relevant to the licensing objectives.

The panel considered the issues raised by the representations from both environmental health and the owner of an equine business adjacent to the Oxford Rugby Club Fields. The panel noted the particular concerns of Ms Ergeneli relating to the potential noise impact that the event would have on the livery and the horses stabled there as well as the potential impact that the movement of people and vehicles might have on users of the access track to the event. However in coming to their decision the panel considered the evidence presented by the applicant, noting his detailed proposals for the management of the event, previous experience in running a number of similar events and the fact that the applicant had accepted all additional conditions sought by environmental health which included specific conditions dealing with noise levels and had also agreed to three additional conditions designed to address a number of the objector's concerns in relation to the potential for accessing the livery. The panel recognised that in carrying out its functions it must do so with a view to promoting the four licensing objectives and had to balance the interests appropriate safeguards to justify the grant of the licence and to promote the licensing objectives

The panel, satisfied with the decision that was reached, called all members of the hearing back into the meeting room.

## **Decision**

The chair then read out the decision notice; that the panel grant the licence for a premises licence for Oxford Rugby Club Fields, North Hinksey Lane, North Hinksey Village, Oxford, OX2 0NA for live music, recorded music, performance of dance and supply of alcohol for two consecutive days each calendar year as follows:

<b>Licensing Activity</b>	<b>Proposed Days and Times</b>
Live music, recorded music and performance of dance (all outdoors) and supply of alcohol	Friday and Saturday – 14:00 - 23:00
Hours premises open to the public	Friday and Saturday – 14:00 - 23:15

The licence to be granted was subject to the mandatory conditions under the Licencing Act 2003, those within the operating schedule as modified at the request of the environmental health officer, additional conditions requested by the environmental health officer, and the three additional conditions proposed by the applicant and listed in the report.

The chair then informed all individuals present that the full decision notice would be sent to them in due course.

The meeting closed at 11.46 am