

## Licensing Sub-Committee Minutes

The minutes of the Licensing Sub-Committee meeting of Wyre Borough Council held on Monday, 8 June 2020 by Remote Access via Webex.

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**Licensing Committee members present:**

Councillors Cartridge, Armstrong and Sir R Atkins

**Other councillors present:**

None

**Officers present:**

Mary Grimshaw, Legal Services Manager and Deputy Monitoring Officer  
Niky Barrett, Senior Licensing Officer  
Duncan Jowitt, Democratic Services and Councillor Development Officer  
Emma Keany, Democratic Services Officer

**Representing the applicant:**

Max Fox, applicant  
Sarah Millard, Head of Security  
Greg Kelly, Head of Compliance  
James Atha, Acoustic Noise Consultant  
David Bowen, Head of Security

**Representing objectors:**

Chris Kehoe, Police  
Emma Pritchard, Police

No members of the public or press attended the meeting.

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**1 Election of Chairman**

Councillor Peter Cartridge was elected as chairman.

**2 Apologies**

None

**3 Declarations of Interest**

None

## **Objections to a Temporary Event Notice submitted by Max Fox in respect of Trapp Farm, 176 Fleetwood Road South, Thornton Cleaveleys**

The Corporate Director Environment submitted a report to provide members of the Licensing Sub-Committee with information to assist them to consider two objection notices received from Environmental Health and Lancashire Police, who are Relevant Persons under the 2003 Licensing Act to allow them to decide whether or not to serve a counter notice on the event organiser in accordance with Section 105 of the Licensing Act 2005 (the Act). The objections were to a proposed temporary event, scheduled to run from Saturday 4 July to Friday 10 July at Trapps Farm in Thornton. Mr Max Fox (the applicant) had uploaded a Temporary Event Notice (TEN) to the Gov.uk site on 23 May 2020.

The applicant was present to speak in support of the application. He was accompanied by Sarah Millard, Greg Kelly, James Atha and David Bowen.

The Senior Licensing Officer (SLO) said that Environmental Health (EH) were concerned that the event, if held, could undermine the Licensing Objectives and in particular the prevention of public nuisance.

The written submission from EH was included with the agenda. It raised concerns about light pollution from the screen and from vehicle headlights and about noise that would be generated on site from the amplification of the shows and artists through the vehicle stereos and the potential audience participation with the sing along elements, on the basis that vehicle occupiers were likely to have their windows open and that the organiser would be unable to control the volume levels in private vehicles.

EH were also concerned about engine noise and emissions, as they felt most vehicles would need to keep their engines idling to provide the power to stereos and heating systems. As the initial TEN indicated that toilets would not be provided, concerns were also raised about the potential for ASB and odour due to patrons leaving their vehicles and urinating indiscriminately. The applicant had since confirmed that toilets would be provided. EH were also concerned about littering, along with the potential for increased pest activity from food waste being left on the site.

Lancashire Constabulary were concerned that the event would be unlawful in terms of the current Covid-19 closure Regulations, prohibiting cinemas from being open and restricting public gatherings.

The SLO said that the applicant had been selling tickets for individual screenings and musical acts since Saturday 23 May, in the hope that the Government would continue to relax restrictions in accordance with their "COVID-19 recovery strategy", which suggests that, based on the current reduction of the "R figure" to below 1, phase 3 could see the reopening of the hospitality and leisure sector from 4 July, subject to the Government's five tests being met and social distancing measures being adhered to. An R rate higher than 1 indicates that the disease is growing exponentially.

She cautioned however that, if the R figure indicated that the spread of the virus had started to go back up, the Government would tighten restrictions again, possibly at short notice. On 1 June, the Government amended regulation 7 and public gatherings, were now permitted for up to 6 people from different households, subject to social distancing between households.

The SLO stated that guidance on the closure of certain businesses and venues in England in accordance with regulation 4, was revised and published on 5 June. Schedule 2 now reads “Cinemas, theatres and concert halls (indoor and outdoor) must remain closed to members of the public, with no exceptions”.

She asked the sub-committee to consider the objection notices having regard to the evidence before it, the Statutory Guidance issued under section 182 of the Licensing Act 2003, and Wyre’s own Statement of Licensing Policy and advised that, as the site does not have an existing premises licence, conditions could not be imposed on this TEN. The sub-committee had only 2 possible options.

- 1) Endorse the TEN and allow the event to proceed, subject to the Government revising the Regulations that currently prohibit cinemas, theatres and concert halls (indoors and outdoors) from being open to the public.

Or

- 2) Issue a Counter Notice under section 105 of the Licensing Act 2003. This would mean that licensable activities at the event would be unlawful.

The organiser Mr Fox, speaking in support of the application, explained that the company had a great deal of experience in organising events and were looking to provide new productions in the wake of COVID-19 that would give much needed recreational activity and employment to local residents. He brought the attention of the Sub-Committee to his Public Health Preparedness for Mass Gathering Events certification by the WHO and claimed that attending the performances would be a much safer activity than visiting a garden centre as it would be completely contactless - tickets were to be purchased online and scanned to gain admittance and customers would remain within their cars and tune into the movie audio via their in-car FM radios.

He touched upon the Government’s current timescale which planned for the reopening of pubs on 22 June and the recent guidance which now allowed for outdoor gatherings of up to 6 people from different households providing that rules of social distancing were respected with no limit to the size of the gathering or the distance travelled as long as return on the same night was possible.

He said that there would be manned security of the toilet facilities and that they would be fully sanitised after each use. In respect of increased traffic, he

said that customers could arrive up to an hour before the event and would filter into the venue in “dribs and drabs”. Similar events had, he said, been held in many countries including the USA, Germany, Denmark and Australia.

The applicant and his colleagues responded to questions from members of the Sub-Committee as follows:

- there would be more than enough toilets for the number of attendees – 10 toilets compared to a more usual 3-4 for similar-sized events
- as people would be there for only about 2 hours and the toilets were intended for emergency use, people would be advised to go to the toilet before coming to the event.
- the movies would be shown on a large screen which faced the field and not the roundabout
- the proposed cinema closing time would be approximately 10.30pm so it would only affect light minimally and for a period of only 1 hour.
- this would be a one-off event in the summer of COVID and there was no intention of continuing thereafter.
- noise had been assessed as not intrusive based on 200 cars and a volume of 70dB inside each car. The nearest houses were 100m away and 10 SIA approved security staff would be patrolling. They and 6 distributing catering would ensure that windows were closed and volumes kept down to acceptable levels.
- there would be a 4m gap between vehicles so if someone was asked to leave, there was sufficient space for their vehicle to exit the field.
- Safe Events Blackpool were a local business and had not approached other authorities to run anything similar. Another company (At The Drive In UK) was doing a complete UK tour.
- Age would be verified on entry to ensure no viewers were underage.
- Customers would not be allowed to bring alcohol to the venue and only non-alcoholic drinks and pizzas provided in conjunction with Dominos would be available for purchase on-site. Litter pickers would ensure that the place was kept tidy.
- Where there was to be 2 shows on the same day, early arrivals for the second screening would wait in the upper part of the field which was reserved as a holding area whilst viewers of the first showing would leave through the other gate.

Chris Kehoe speaking on behalf of the Police confirmed that they had no concerns that the event would be likely to lead to disorder and that the Police objection had been raised purely on the basis that, as the current regulations stood, the event would be unlawful and they were therefore unable to agree to it.

The EH representative had experienced technical issues when attempting to join the meeting and was therefore unable to present the EH objections and respond to questions from the panel and the applicant.

Members retired to consider in closed session whether to continue to a decision without EH being present or whether to adjourn and reconvene at a later date. Following consideration, the Chairman announced that, as it was important for EH to be present to respond to questions, the meeting would be adjourned and would continue from the same point later that week.

Following discussion with the Democratic Services Officers, it was agreed that the meeting be adjourned until 6pm on Wednesday 10 June 2020.

The meeting started at 6.00 pm and finished at 7.21 pm.

**Date of Publication:** 9 June 2020