

Record of a Hearing of the Bradford District Licensing Panel held on Thursday, 3 August 2017 in Committee Room 4 - City Hall, Bradford

Procedural Items

DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received.

INSPECTION OF REPORTS AND BACKGROUND PAPERS

There were no appeals submitted by the public to review decisions to restrict documents

Hearings

- 1. Application for a Temporary Event Notice for Fell Edge Farm, Moorside Lane, Addingham (Document "D")**

**TEMPORARY EVENTS NOTICE FOR FELL EDGE FARM, MOORSIDE LANE,
ADDINGHAM**

**RECORD OF A HEARING FOR A TEMPORARY EVENT NOTICE FOR FELL EDGE
FARM, MOORSIDE LANE, ADDINGHAM (DOCUMENT "D")**

Commenced: 1000
Adjourned: 1110
Reconvened: 1120
Concluded: 1125

Present:

Members of the Panel:

Bradford District Licensing Panel: Councillors M Slater (Chair), Peart and Morris

Parties to the Hearing:

Representing the Licensee:

Ms Merrick, representing the Applicant

Representing Responsible Authorities:

Ms Caygill, Environmental Health Unit, Bradford Council

Representations:

The licensing officer in attendance summarised the background to the application and valid representations received as set out in the report. Members were informed that the application requested the sale of alcohol and late night refreshment and regulated entertainment from 2100 hours to 0300 hours on Thursday 7 to Sunday 10 September 2017. It was noted that the Council's Environmental Health Unit had submitted an objection as the private water supply represented a danger to human health and the site was close to residential properties. No evidence had been submitted from the applicant in respect of noise issues.

The applicant's representative addressed the Panel and explained that she co-owned Fell Edge Farm and was supporting the licence application. The applicant was a family member who had organised many events in Manchester and festivals for charity had taken place at the Farm since 2006, though alcohol had not previously been applied for. Only one complaint had been received in 2012 and planning permission had been applied for in 2013. The festivals had expanded over the years and the Farm had always applied for Temporary Event Notices. The applicant's representative stated that it was surprising to receive a complaint, as events were held in a large barn and the doors were closed at midnight which reduced the noise. The nearest neighbours had been contacted and they had stated that they did not have an issue with the noise. The Panel noted that planning permission had been requested for the whole property and had been granted for events.

In relation to the private water supply issues, the applicant's representative reported that

they had not been aware that the systems UV light had fused, so when the water had been tested it had not met the required standard. The lamp had then been fixed, however, a person working on the Farm had turned the light off and the readings did not comply again. The water was to be retested at the end of the week.

The applicant's representative stated that they wanted the festival to take place as it was for the community and would bring people together. She confirmed that there would be workshops on such topics as how to grow your own food and upcycling. It was a working festival and everyone attending would know each other, a farmer down the road would provide a field for parking and a live band would be playing in a controlled environment.

In response to Members' queries, the applicant's representative explained that:

- The festival took place every two years.
- 300 people could be in attendance at any one time.
- The event was advertised via a closed social media group and through close connections.
- The event was due to start at 1700 hours on Thursday and people would arrive before in order to set up camp. Stewards and a night watchman would be provided throughout the event. Alcohol would not be available until 2100 hours.
- Alcohol would be permitted from 2100 to 0300 each day.
- People bringing their own alcohol would be informed by stewards that it could not be consumed until 2100 hours.
- The barn could accommodate 300 people comfortably, however, not all the attendees would be in there as there were two sites. A fire would be lit at the other site and people would go between the two.
- The Fire Service had visited and checked the barn, which had exit lights over doors, fire blankets and smoke alarms, which had been PAC tested. There were fire buckets around the property and disclaimers for families.
- The building used to be a barn but had been renovated and had a sprung floor.
- If the water supply did not meet the standard a water bowser would be acquired for drinking water.
- The emergency services would be contacted and had been in the past.
- The planning permission was for events that went through the night.
- A family member was a sound engineer and ensured that the noise was controlled. There would not be anything raucous taking place outside and the festival had strict rules.
- The band would be playing inside the barn.
- No noise complaints had been made in the past.

The representative of the Council's Environmental Health Unit addressed the Panel and explained that the objection had been submitted as it had been believed that the event would take place outside. Members were informed that similar complaints had been received, though not about this event and the recommendation had been proposed to temper events in the area. Since receiving the complaint on 28 July 2017, discussions had been undertaken with the applicant and it had been satisfied that there would be a noise limiter. The representative of the Council's Environmental Health Unit stated that they were confident that the noise could be controlled and the event could go ahead. The applicant had stated that the event could cease at 0200 hours and the proposal from the Council's Environmental Health Unit that the entertainment should stop at midnight had been suggested as it had been believed that it would be held outside. It had been agreed

with the applicant that the festival was not similar to a previous event that had caused noise issues and the Council's Environmental Health Unit withdrew the public nuisance objection.

In relation to the water supply, the representative of the Council's Environmental Health Unit stated that following the failure in 2015 advice had been provided. In 2016 an email had been received from the co-owner that confirmed improvement work had taken place, however, it had not been possible to obtain a sample of the water at that time. Members were informed that on 10 April and 19 July 2017 visits to the site had taken place and the water supply had failed on both occasions. A notice in relation to bacterial issues had been served on 24 July 2017. The representative of the Council's Environmental Health Unit reported that they were awaiting another water sample and had therefore submitted a public safety objection, as the site would not be safe until the supply complied with the notice. Following discussions with the owner, it had been agreed that another sample would be taken on 4 August 2017, however, it was requested that the water supply should be able to be stopped in case it did not meet the required standard.

The representative of the Council's Environmental Health Unit then informed the Panel that:

- The objection had been served based on the likelihood of public nuisance.
- The water issue could be resolved by the provision of a water bowser, but the decision would need to be made by the officer in charge of the case. If the supply was not able to be accessed by the public, but an alternative supply was available this should be acceptable.
- A water bowser or bottled water would be acceptable.
- If the Panel were minded to grant the application, a condition that the water supply could not be used until it was passed as fit for human consumption would be required.
- Noise was not an issue, as there would be a noise limiter and the barn doors would be closed. Previous events had taken place at the property and no objections had been received.

The licensing officer then queried why access to the water supply had not been allowed. In response the applicant's representative explained that they had been out of the country and wanted to be there when the water samples were taken. They had not been made aware of the visits. The representative of the Council's Environmental Health Unit confirmed that on 30 May they had been informed that the owners were away and could not access the site. Various correspondence had been sent from 22 December 2015 in order to gain access and a visit had been arranged on 22 March 2016. In response the applicant's representative confirmed that they had been out of the country from 15 November to 15 February. A Member acknowledged that it would have been difficult to grant access to the property whilst the owners were away, however, it was a serious matter and should have been resolved. The Chair indicated that if the Panel were minded to approve the application then a condition regarding the water supply should be placed on the licence. The licensing officer informed the Panel that it would not be possible to add a condition and the application would either have to be granted or refused.

In conclusion the applicant's representative apologised and undertook to ensure that all precautions would be undertaken in relation to the water supply and guaranteed that it would not be compromised.

Decision -

That on balance there is no reason to prevent the event taking place and the Environmental Health objection is therefore not upheld.

Footnote:

That in the event of the water supply failing to be declared fit for human consumption the supply be turned off at the main stop tap and all water for consumption be supplied via a water bowser or to be bottled.

Chair

Note: This record is subject to approval as a correct record at the next meeting of the Licensing Committee.