

Licensing Sub-Committee – 12 April 2013

Minutes of the meeting of the **Licensing Sub-Committee** held on **12 April 2013** when there were present:-

Cllr T G Cutmore
Cllr D J Sperring

Cllr Mrs C A Weston

VISITING MEMBER

Cllr I H Ward

OFFICERS PRESENT

N Khan	- Principal Solicitor
P Nellies	- Licensing Officer
P Tonge	- Environmental Health Manager
S Worthington	- Committee Administrator

131 APPOINTMENT OF CHAIRMAN

Cllr T G Cutmore was appointed Chairman of the Sub-Committee.

132 PROCEDURE FOR LICENSING HEARING

The Sub-Committee noted the procedure to be followed during the hearing.

133 LICENSING APPLICATION – LICENSING ACT 2003

Nine Acres Farm, Flemings Farm Road, Eastwood

The Sub-Committee considered an application for a premises licence made under section 17 of the Licensing Act 2003 with respect to a premises known as Nine Acres Farm, Flemings Farm Road, Eastwood, SS9 5QT. Members had before them the report of the Head of Environmental Services setting out the details of the application and the representations received from various interested parties.

The applicants distributed additional documentation in support of their application. The Sub-Committee noted that there were representatives in attendance from responsible Authorities, who were not attending in an official capacity.

The applicants' representative, in support of the application, advised that the application was not for a pop rave, but for a family-oriented folk music festival.

The applicants have been in the business for 23 years, organising a variety of events around the county, including events, for example, relating to dance, Songs of Praise, BBC Radio, Vibe FM, the Southend Air Show and Leigh Folk Festival. Totally Sound Ltd has an exemplary record with no previous complaints recorded. The organisation has, in addition, received a Chief

Constable recommendation for its contribution to the Too Smart for Drugs Road Show organised for Essex Police. The event will be marshalled by someone with several years' experience of marshalling events and the Designated Premises Supervisor has managed licensed premises in Southend and is very experienced.

Two bars were included within the application, the first serving alcohol and the second serving only cocktails and Pimms. The two previous events held at the site were in the field marked H on the map and were attended by 400-500 people. The landowner has offered the use of a meadow approximately half a mile from his farm for the event this year. The applicants' representative emphasised that the land in this location falls down away from the residential properties towards the bridle path, falling down around 20 metres; the activities in the field would therefore be masked by the hill.

The field is larger than required to accommodate 1000 people and it was anticipated that the event would attract approximately 700 – 800 people, given the limited appeal of the type of music to be played. A draft running order for the 2 days proposed was circulated to all those present. The applicants' representative highlighted the fact that the programme included predominantly solo artists. A brief sample of the genre of music featuring at the festival was played to those present to illustrate that it was not booming, pop or rock music.

During the festival there would be two car parks, one marked F on the map, accommodating 300 vehicles, the other marked H on the map for any overspill parking. Special matting would be laid in the car parks. The applicants' representative drew particular attention to the fact that no representations had been received from any of the responsible Authorities or from the Ward Councillors.

The applicants' representative drew particular attention to the following, in response to the main concerns included in the representations received from interested parties to the application:-

- There was no substantive evidence to suggest that the event would lead to anti-social behaviour fuelled by alcohol; this was pure speculation. No complaints were lodged during last year's event with the Police or the Council's Environmental Protection Unit. The applicants were compliant with the Purple Guide (event safety guide) and with Security Industry Authority (SIA) regulations. In addition, condition 5 detailed in appendix C to the report ensured that there would be appropriate levels of security staff employed during the event.
- The Police had not raised any objection to the application, which would have been the case if there had been substantive concerns around Police capacity, an issue raised in some of the representations.

- Only two small bars were proposed, the largest of which was only 8 feet long. Challenge 25 would be operated during the event. The sale of alcohol was ancillary to the music.
- Parking and vehicles causing obstruction were not issues that were relevant to the Licensing Act. However, traffic stewards would be used to usher cars into the car parks and the organisers would do their utmost to ensure that traffic did not cause problems for local residents. Last year no car parking was provided at all.
- No complaints were made during last year's event to the operators of the no. 19 bus service relating to the obstruction of that bus route by vehicles parking.
- Stringent searches would be made of people entering and leaving the site to ensure that no drugs were taken into the site.
- No complaints were received during last year's event relating to noise. However, this year's event was planned to take place in a different field half a mile further away from residential properties. No representations have been made by either the Police or the Environmental Protection Unit, who consider that the conditions attached to the operating schedule are sufficient to minimise the risk of disturbance to local residents.
- Camping was not an activity that fell within the Licensing Act, however stewards would be present on the site around the clock while the event was taking place.
- Litter stewards would be employed on site and would clear the site at the end of the first day and at the end of the event.
- No complaints were lodged with the responsible Authorities last year, however the Police and the Environmental Protection Unit had the necessary powers to close down the event, if necessary.

The applicants' representative reiterated that no substantive evidence had been produced by any of the interested parties with respect to the application; it appeared that the residents' concerns were based on a fear of the unknown. He drew particular attention to the *Thwaites v Wirral Borough Magistrates'* Court case, in which the importance was stressed of evidence, as opposed to speculation, presented in Licensing Act 2003 hearings, particularly in respect of residents' representations. He said that the applicants sought to work with, rather than against, residents; they had offered up appropriate conditions from the outset and would do their utmost not to impinge on the quality of life of residents during the course of the event.

The Sub-Committee heard from a witness for the applicants, Mrs Francis of No. 6 Flemings Farm Road, who confirmed that she had attended last year's event. She had taken her young niece and her fiancé's elderly mother to the event, and this had not been a loud, disco, rave-type event. She confirmed

that this had been a well-run, family-oriented event. The site proposed for this year's event was further away from residents' properties and in a natural valley, where sound would have further to travel.

A further witness, Mr Carpenter, of 123 Green Lane, advised that the event would be 200 yards away from his back fence. He stated that he had walked past the event last year, but had not been aware of it taking place until he actually saw it. There had been stewards on the gate, with entry by ticket only. There had been no noise or trouble last year, other than a few cars parked outside his house, which had not caused any problems. He had spoken to other residents last year, who had also not been aware that there was an event, as there was no noise or disturbance.

A further witness, Mr O'Carroll, confirmed that he had taken his 71-year-old mother to the event last year, who had thoroughly enjoyed it.

In response to questions, the following points were noted:-

- The member of staff responsible for security at this year's event was very experienced in dealing with large musical events.
 - The noise limiting device will be placed in the marquee.
 - No bottles of drink will be available at the event, although there will be tins; however, the contents of the tins will be poured into plastic drinking vessels for customers.
 - The area marked H on the plan has capacity for the parking of 200 vehicles, in addition to the capacity of 300 vehicles of the main car park; this will be adequate for the number of people attending.
 - The event will be compliant with the Purple Guide in terms of provision of toilets.
 - There will be a major litter pick at the end of each day and the site, including immediately surrounding roads, will be cleared of litter at the end of the event.
 - There will be 24-hour dedicated stewards on site to supervise any overnight camping.
 - The applicants will be prepared to liaise with/meet with the local safety advisory group prior to the event.
 - People will be prohibited from bringing in their own drinks to the event.
- Speaking in objection to the application, Cllr Walker stated that two years ago there had been two events held in close proximity to each other, one at this site and the other in Hockley Woods, that had resulted in disturbance to local residents. Police had been pelted by missiles when they had attempted to

address the issue of loud music in Hockley Woods. Last year's event had caused chaos in Eastwood; access was paralysed, with vehicles parked in residents' driveways.

He further stated that there was more than one bus route operating in this location, and there had been problems with vehicles blocking bus routes. He stressed that Flemings Farm Road was only wide enough to accommodate 2 vehicles for 20-30 yards, after which it was only wide enough for 1. In addition, the site marked H on the plan was next to a site belonging to a caravan club that is heavily used in the summer.

He also claimed that many complaints relating to last year's event were around the fact that residents' gardens were used as toilets by people leaving the festival. A lot of the nuisance will occur when people have left the festival site. He suggested that, with the use of social networking/Internet it was possible that in excess of 1000 people could turn up for the festival.

He was surprised to hear that there were no complaints received about last year's festival, as he had contacted the Police himself when he saw the volume of people in the vicinity of the site. There was, in addition, chaos caused in the vicinity by vehicles parked inconsiderately.

He further stressed that it would be possible to access the site from Gusted Hall Lane and that it was possible that those attending the festival could choose to park their vehicles here, potentially blocking in residents' vehicles.

He also claimed that during the Bank Holiday weekend the Police were likely to be on duty at Southend sea front.

He also drew attention to the fact that while the festival was taking place horse riders would be unable to ride their horses and ponies down Flemings Farm Road.

Also speaking in objection to the application, Mr Reynolds of 121 Green Lane, expressed concern about the potential for disturbance to residents when those attending the festival started up their vehicles late at night, all attempting to manoeuvre their cars down Green Lane at around the same time. It would take some time for the site to be exited, due to the narrow access road and the T-junction at the end. In addition, access to the site would be difficult for emergency vehicles, given the narrow access road, and the placement of a lamp post in the vicinity of the pavement outside the gated entrance, which did not have dropped kerbs. He furthermore considered that litter clearing would not take place on site at the end of each day, given that licensed activities on site would continue until 11.30 pm.

Mr Hutchinson, of Hillview, The Drive, also speaking in objection to the application, stated that the revised location proposed for the event this year was closer to an existing bridle path. This will cause considerable inconvenience to horse riders, given that horses do not like noise. He stated

that the car parking proposed would not be sufficient and was concerned by the possibility of people attempting to gate crash the event. He also believed that the narrow access, with only one way in and out, would cause problems. He also queried why a so-called family event required overnight camping and such a late end time each day.

Mr Down, of Blatches Cottage, Blatches Chase, was concerned that, given the close proximity to Cherry Orchard country park the event could draw additional people to the park in search of free entertainment. This could lead to young people congregating at the park, with alcohol, and potentially sleeping there overnight. There were no facilities for getting emergency vehicles into the country park and residents' enjoyment of the park could be curtailed.

In response to questions, the following points were noted:-

- There would be radio contact between traffic marshals during the event. There would be no haphazard parking; parking would take place in the two designated car parks. The entrance is 50 yards from Green Lane, via a gate way; with dropped kerbs.
- Matting will be laid in the car parks at the entrances to both fields. If cars get into difficulty leaving the fields, in the case of wet weather, for example, there are sufficient farm vehicles, including tractors, to resolve such problems. However, if the weather was wet it was likely that the numbers attending would, in any event, be low.

In conclusion, residents asked that due consideration be given to their views. They were all Council Tax payers who enjoyed living in a rural area that they wished to continue to enjoy without their quality of life being affected.

The applicants' representative concluded by emphasising that the applicants were sympathetic to the concerns raised by residents. They were, he said, determined to do their utmost to achieve compromise. However, it was important to recognise that none of the responsible Authorities or Ward Councillors had objected to the application. The applicants could simply have applied for temporary events notices, but instead have applied for a premises licence, thus enabling the relevant Authorities to work with them on the application. The concerns raised, he stressed, were speculative and generalised, and would not stand up to the Thwaites test. The applicants have put in place a professional management structure that would promote the licensing objectives during the course of the event.

The Sub-Committee retired from the Chamber with the Legal and Member Services officers to consider the decision, returning for its announcement.

Having given careful consideration to the officer's report and all the evidence presented at the hearing, the Sub-Committee considered it appropriate to approve the premises licence. It was, however, emphasised that although

account had been taken of the objections from local residents regarding the impact of the event on the four licensing objectives, it had placed particular weight on the evidence of the applicants and the robust nature of the conditions volunteered, as well as the management arrangements that had been put in place. These included a noise management plan, SIA registered persons, traffic and parking management, litter picking, Challenge 25, plastic drinking vessels and the maximum capacity of 1000 tickets to be sold. Furthermore, it had been noted that no objections were made by the Police, Environmental Protection Unit and other responsible Authorities.

Furthermore, it was emphasised that, in the event of there being any serious problems as a result of the grant of the licence, there is a power of review available to interested parties and responsible Authorities. In addition, the Police and other Authorities have appropriate powers to deal with incidents, should they arise. In certain circumstances this could include shutting the event down.

Resolved

That the premises licence be granted, subject to the following conditions:-

1. Licensable activities will only be used on the last Saturday and Sunday of every August.
2. During these days licensable activities can commence at 1000 hours and cease at 2330 hours.
3. A maximum of 1000 tickets to be sold.
4. Each year the Premises Licence Holder will complete the following:-
 - Event Management Plan
 - Traffic Management Plan
 - Security Management Plan
 - Emergency Plan
 - Evacuation Plan
5. The Premises Licence Holder will ensure there are a minimum of 10 SIA registered security and will maintain a ratio of a minimum of 1 door staff to 100 people.
6. Numbers of patrons will be controlled by the front gates using a clicker or similar device and these numbers shall be available at all times upon Police request.
7. During the weekend there shall be a minimum of 5 (five) first aiders in addition to security.

8. Only two licensed bars shall ever be used.
9. Music will be played in a marquee only where sufficient sound proofing/noise limiter to the satisfaction of Environmental Health shall be used.
10. All drinking vessels shall be plastic.
11. Challenge 25 scheme shall be in place whereby anyone who appears to be under the age of 25 years shall be asked for identification to prove they are over 18 years of age.
12. Secured fencing shall be used and perimeter patrols will be in place.
13. A Noise and Lighting Management Plan (NMP) will be submitted to Environmental Health, Rochford District Council no later than twelve weeks prior to each event. Such NMP must be agreed in writing by an Environmental Health Officer at least two weeks before the commencement of the relevant event and it must be implemented in its entirety for the duration of the event to which it relates. For clarification, the NMP will include as a minimum:-
 - A plan of the site;
 - Details of the locations and orientations of the marquee and stage;
 - The specification, position and direction of the amplification system;
 - Details of all relevant sound pressure levels from live and recorded music;
 - Methods of managing noise from patrons during the event (including camping), arrival and departure;
 - Details of PR/Communication with local residents;
 - Emergency contact details for public bodies and residents, eg, to report noise concerns;
 - Details of all other noise mitigation, both technical and managerial.
14. Any live or recorded music must only be broadcast through the venue's amplification system in accordance with the agreed Noise Management Plan. No music is permitted outside of the marquee.
15. The event will be run in accordance with the event safety guide (second edition), HSG 195.
16. The Event Management Plan and associated risk assessment shall be provided to the Safety Advisory Group at least 12 weeks prior to each event. The applicants shall meet with the Safety Advisory Group and any recommendations made by the Group shall be complied with in full.
17. Any promotional literature and tickets shall include wording that no alcohol is to be brought into the event and that alcohol shall be

purchased at the premises only.

18. No alcohol to be taken outside the licensed area. (HES)

The meeting commenced at 10.00 am and closed at 12.50 pm.

Chairman

Date

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