

Aylesbury Vale District Council

DECISION OF THE LICENSING ACT SUB-COMMITTEE FOLLOWING A HEARING ON 01 MARCH 2011 HELD AT THE COUNCIL'S GATEWAY OFFICES, GATEHOUSE ROAD, AYLESBURY

Application by Mr Christopher Dominey and William Moore for a premises licence for the 'Burcott Lodge Farm Event' to be held on Friday 15 July 2011 until Monday 18 July 2011 Soulbury Road, Wing

Members of the Sub-Committee

Cllr Terry Jones (Chairman)
Cllr Alan Sherwell
Cllr Tim Mills

Declarations of interest

None.

The application

The Sub-Committee has given careful consideration to the application before it, namely, to grant a time limited premises licence for a music festival to be held at Burcott Lodge Farm, Soulbury Road, Wing from Friday 15 July to Monday 18 July 2011.

In general terms, the application seeks permission for the provision of regulated entertainment (i.e. film, plays, the performance of live music; the playing of recorded music and the provision of facilities for dancing); for the supply of alcohol and the provision of late night refreshment. The event will comprise of a main arena which will have a main stage, alternative stage and acoustic stage as well as refreshments and catering stands. Adjacent to the main arena is a camping area and other areas for the parking of crew vehicles and a backstage area.

The application received representations from two responsible authorities, namely, the police and environmental health and 26 representations from residents living in the vicinity of the premises.

The applicants, Mr Christopher Dominey and Mr William Moore attended the hearing and were accompanied by Roger Carey (landowner of Burcott Lodge Farm), Linda Krewecke (Health and Safety Manager from Tiger Tea) and James Iyengar and Matthew Vallis (Sound Technicians from Moonlite Productions).

As for the responsible authorities, Mr Trevor Hooper and Mr Neil Biggs (traffic) represented the police and Ms Lindsay Hone represented Environmental Health.

The interested parties (local residents) Mr Edward Fielder, Mr Jinx Grafftey-Smith, Mr Derek Smith and Caroline Winter spoke on behalf of the interested parties. Councillor Netta Glover spoke as Ward Member. 16 other interested parties attended and although not all of the interested parties were in attendance we did not consider it to be in the public interest to adjourn the hearing and we nonetheless considered their written representations.

Trevor Hooper of Thames Valley Police confirmed that he had been in contact with the Applicants and having received their revised Event Safety Management Plan he was satisfied with the application and his objection was now withdrawn.

Mr Biggs stated that he had been working with the Applicants to devise a suitable Traffic Management Plan and this had been done successfully and he was now satisfied with the proposed Traffic Management Plan. He confirmed that the police do not provide support on the day to this kind of event and the management of the traffic is the sole responsibility of the Applicants. He stated that he did not have jurisdiction to approve the plan but would provide comment. The track leading up to the event was a private road therefore again he had no jurisdiction over this, but had nevertheless considered it within the plan. He stated that the Traffic Management Plan was not ideal but was the best that could be done for the geographical area. He felt the access to and from the car park was suitable for purpose, but the Applicants should have contingencies in place in case of adverse weather conditions and careful consideration needed to be given to the safety of pedestrians in and around the area due to a lack of pavements. There was no record of collisions resulting in personal injury for the period 1 October 2007 to 30 September 2010.

Ms Hone from Environmental Health outlined that Environmental Health are responsible not only for noise but also public safety in terms of food, water and health and safety. She stated that she had made a site visit and read all the documents submitted by the Applicant and had talked to the Applicant directly. The noise levels she set were based on the Code of Practice on Environmental Noise Control at Concerts (Noise Council 1995) and the Guidelines for Community Noise (World Health Organisation 1999). She stated that she had been in contact with the Applicants who had

accepted her proposed conditions save for one slight amendment at condition 4 (page A32); the words “from the event” to be inserted after “Noise Levels” therefore she had no further objection providing these were incorporated into the licence.

The 4 Interested Parties who spoke on behalf of the ‘Burcott Action Group’ addressed all four licensing objectives. Questions were also taken from interested parties who had attended to observe. They raised concerns regarding the following:

- Noise levels from the event – disrupting both humans, livestock, animals and children.
- The noise from generators, ghetto blasters which people may bring and impromptu music.
- Safety of pedestrians who chose not to wait to be transport by shuttlebus and walk to the festival on an unlit road with high speed limits, hidden dips and blind summits.
- Safety of local children from the increased traffic, particularly on the Friday when the children would be playing in the park.
- Detritus and litter on surrounding land and footpaths.
- Risk of people attending the event who did not have tickets thus resulting in potential crime and disorder when not allowed in.
- Lack of street lighting impacting on public safety.
- Drunk and disorderly behaviour.
- Risk of trespass from people attending the festival and leaving to go to the village and thereby crossing people’s land, potentially where livestock are kept.
- Lack of experience of applicants in organising this type of event.
- The financial ability of the applicants to put on this kind of event.
- Lack of alternative emergency access.
- Little or no police presence.
- Applicants reliance on sub-contractors.
- Risk from the mud on the road caused by increase of traffic.
- Concerns regarding children attending the event due to alcohol sales, bullying by other children attending the event.
- Fear of glass getting into the event as it is not practical to body search everybody.
- Lack of ability to meet all the claims the applicants have made in the various documentation.
- Risk of theft or damage to property
- Details of parts of the application are unclear and not finalised.

The Licensing Manager confirmed that the Licensing Sub-Committee can only take into account relevant matters to the four Licensing Objectives. Therefore the safety of

livestock and other animals were not a consideration for today's hearing, neither was the financial ability of the Applicants.

The Applicant gave a long presentation outlining the type of event they wish to put on, the type of music, target audience and their experience amongst other things. In general terms they wished for the event to be summer weekend of music and camping in the countryside. The artists they would be hoping to book are both local musicians and national bands such as The Divine Comedy with a target audience of 20 to 40 year olds.

The applicant confirmed the hours of their application were as follows:

Campsite

Plays: performance art, comedy and street theatre.

Friday 17:00 – 23:59

Saturday 11:00 – 00:00

Sunday 11:00 – 00:00

Films

Friday 17:00 – 00:00

Saturday 11:00 – 00:00

Sunday 11:00 – 00:00

Live music, recorded music, performance and facilities for dance and making music

None

Late Night refreshment

Friday 23:00 – 5:00

Saturday 23:00 – 5:00

Sunday 23:00 – 5:00

Supply of Alcohol (camp site and green lined area on main site plan)

Friday 17:00 – midnight

Saturday 11:00am – midnight

Sunday 11:00am – 22:00

Hours Premises are open to the public

Friday 15 July 2011 17:00 to Monday 18 July 2011 12:00

Main Arena

Plays: performance art, comedy and street theatre.

Friday none
Saturday 11:00 – 02:00
Sunday 11:00 – 23:00

Films

Friday none
Saturday 11:00 – 02:00
Sunday 11:00 – 23:00

Live music, recorded music, performance and facilities for dance and making music

| | |
|----------|--|
| Friday | none |
| Saturday | Main stage 12:00-00:00 Acoustic stage and alternative stage 12:00 – 02:00 |
| Sunday | Main stage 12:00-22:00 Acoustic stage and alternative stage 12:00 – 23:00 |

Late Night refreshment

Friday 23:00 – 5:00
Saturday 23:00 – 5:00
Sunday 23:00 – 5:00

Supply of Alcohol

Friday none
Saturday 11:00am – midnight
Sunday 11:00am – 22:00

Hours Premises are open to the public

Friday none
Saturday 11:00 – 02:30
Sunday 11:00 – 23:30

The Applicants confirmed they had agreed to the sound levels requested by Environmental Health and that monitoring of noise levels would take place. The Sound Technician outlined that sound checks would occur on Friday, Saturday and Sunday (*they said they would adjust for weather conditions every day*) to allow for measurements to be taken and equipment adjusted as necessary in order to ensure that the sound levels were adhered to.

The Applicant also stated that he would accept a condition that tickets could only be sold in advance if the sub-committee felt it was necessary. He also offered to have stewards on the neighbouring footpaths to the site for the entire duration of the festival should the landowners provide consent. Similarly he offered to clear the litter from adjacent land in the event of consent being given.

The Applicants confirmed that their planning will be done on the basis of the maximum numbers of tickets being sold.

The decision

We have listened to all the representations from Environmental Health, Thames Valley Police, the four interested parties who spoke on behalf of the 'Burcott Action Group' and Councillor Netta Glover, Ward Member. We have also read all of the written representations and other material supplied.

We acknowledge that those residents who live in the vicinity of the proposed event could be adversely affected by it and have therefore objected on a number of grounds and have expressed concerns.

We have had regard to the statutory guidance issued under section 182 of the Licensing Act 2003, and the Council's own licensing policy.

We confirm that in making our decision we have sought to promote the licensing objectives.

Any regulation we impose must actually be necessary in order to promote the licensing objectives and must be supported by real evidence that it was required in the circumstances of the case.

We have considered carefully the concerns expressed by, and on behalf of, the local residents. During the discussion we led, they majored on the following arguments: the application site is a totally unsuitable location because of the close proximity of residential premises; the inadequate road infrastructure and the nuisance, disturbance and damage they felt they risked suffering. General crime and disorder fears, damage to private property; animal welfare, trespass, security, health and safety, parking and litter concerns were also raised.

Thames Valley Police had made a representation and confirmed that after negotiations and receipt of the revised Event Safety Management Plan that they were happy with the event and their objection was withdrawn.

Neil Biggs of Thames Valley Police also attended the hearing and confirmed that he has consulted with the applicant regarding a Traffic Management Plan. He accepted that the Traffic Management Plan was not ideal but it was the best that can be done for the geographical area and was adequate.

Lindsay Hone of Environmental Health confirmed that she had consulted with the Applicant who had accepted all of her conditions with a slight amendment that the noise to be controlled be from the event.

The fact that the Responsible Authorities either withdrew their objections or the Applicant had accepted the conditions they proposed weighed heavily with us because the expert authorities with special responsibilities for public safety, public nuisance and crime and disorder have effectively satisfied themselves that the application does not raise any unacceptable issues.

We are satisfied that in all the circumstances, the impact of the grant of a premises licence on the licensing objectives does not necessitate a rejection of the application. The application is granted as per the below hours confirmed with the Applicant and following conditions:

Campsite

Plays: performance art, comedy and street theatre.

Friday 17:00 – 23:59

Saturday 11:00 – 00:00

Sunday 11:00 – 00:00

Films

Friday 17:00 – 00:00

Saturday 11:00 – 00:00

Sunday 11:00 – 00:00

Live music, recorded music, performance and facilities for dance and making music

None

Late Night refreshment

Friday 23:00 – 5:00

Saturday 23:00 – 5:00

Sunday 23:00 – 5:00

Supply of Alcohol (camp site and green lined area on main site plan)

Friday 17:00 – midnight

Saturday 11:00am – midnight

Sunday 11:00am – 22:00

Hours Premises are open to the public

Friday 15 July 2011 17:00 to Monday 18 July 2011 12:00

Main Arena

Plays: performance art, comedy and street theatre.

Friday none

Saturday 11:00 – 02:00

Sunday 11:00 – 23:00

Films

Friday none

Saturday 11:00 – 02:00

Sunday 11:00 – 23:00

Live music, recorded music, performance and facilities for dance and making music

Friday none

Saturday Main stage 12:00-00:00

Acoustic stage and alternative stage 12:00 – 02:00

Sunday Main stage 12:00-22:00

Acoustic stage and alternative stage 12:00 – 23:00

Late Night refreshment

Friday 23:00 – 5:00

Saturday 23:00 – 5:00

Sunday 23:00 – 5:00

Supply of Alcohol

Friday none

Saturday 11:00am – midnight

Sunday 11:00am – 22:00

Hours Premises are open to the public

Friday none

Saturday 11:00 – 02:30

Sunday 11:00 – 23:30

For the avoidance of doubt, we confirm that these hours override any conflicting hours set out in the licence application or any accompanying document such as the Event Management Plan.

Conditions requested by Environmental Health

1. The organisers of the event shall supply the Environmental Health Department with a complete list of catering concessions that will be on site for the duration of the event no later than two weeks prior to the commencement of the event.
2. The water supply at the event including the water supply to the campsite must be sampled to ensure that it complies with Water Authority Regulations and is free from bacteriological contamination. The results of this water sampling must be made available to the Environmental Health Department by Wednesday 13th July 2011.
3. There is to be no amplified live or recorded music on the event site on Friday 15th July 2011 other than necessary soundchecks. All soundchecks are to be carried out between 09.00 and 19.00 hours.
4. Noise levels from the event as measured 1 metre from the façade of any noise sensitive dwelling are not to exceed the maximum levels detailed below:

| Date | Time Period | Maximum dB(A) |
|-------------------------------------|--------------------|----------------------|
| Saturday 16 th July 2011 | 11:00 – 23:59 | 65 LAeq (15 minutes) |
| Sunday 17 th July 2011 | 00:00 – 02:00 | 45 LAeq (5 minutes) |
| Sunday 17 th July 2011 | 11:00 – 23:00 | 65 LAeq (15 minutes) |

In addition, in the frequency range 63Hz to 125Hz, noise levels shall not exceed 70dB(L) as measured 1 metre from the façade of any noise sensitive dwelling.

5. The organisers of the event shall supply the Environmental Health Department with details of the arrangements in place for noise monitoring during the event. This shall include details of noise monitoring points and the off site monitoring and communication arrangements that will be in place to ensure the above maximum noise levels are not exceeded. Where monitoring is undertaken records of this monitoring must be kept and these records made available to any Environmental Health Officer on request (NB: when identifying monitoring points at noise sensitive dwellings, consideration must be given to the weather conditions and prevailing wind direction which will affect noise propagation).

6. The Licensee shall comply with any request of an Environmental Health Officer to reduce the noise level. In this respect there shall be a clear management structure between the organiser and the sound desk managers at each stage/marquee to ensure that noise levels are reduced rapidly.
7. At least one week prior to the commencement of the event, the organisers shall provide local residents who may be affected with information regarding the dates and times of the event and what time amplified music will reduce and cease on the site. This information shall also include an emergency contact telephone number which is to be manned by an individual located at the festival for local residents to call if they are affected so that their concerns can be addressed.
8. A copy of the final version of the event risk assessment is to be submitted to the Environmental Health Department no later than two weeks prior to the commencement of the event.

Conditions Imposed by the sub-committee

1. All advertising of the event is to state that tickets for the event are only available to purchase in advance of Friday 1 July 2011.
2. No tickets to be sold after Friday 1 July 2011 save for 50 tickets which will be available on the days of the event should unexpected people attend who do not have tickets.
3. The Licensing Authority in conjunction with the Applicant and appropriate sub-contractors/experts inspect the deer fencing around the main arena to assess the suitability. Where the Licensing Authority is not satisfied with the quality of the deer fencing, heras fencing is to be installed for the duration of the festival. This is to be undertaken and fencing type agreed by Friday 10 June 2011.
4. The Main Arena, camping area, car park and ancillary areas including access roads and verges to be cleared of litter arising from the festival immediately after the event.
5. The Applicant to clear all adjacent fields to the festival site and car park of litter where consent of the land owner is provided.

6. By Monday 4 July 2011 the Premises Licence Holder shall finalise the Event Safety Management Plan, setting out how the event will be managed and the precautions which have been taken to cater for all reasonably foreseeable contingencies, and which will demonstrate the procedures, roles and specific responsibilities of his management team, security and associated personnel. The Event Safety management Plan to be sent to the Thames Valley Police and Licensing Authority.
7. The Premises Licence Holder shall take out Public Liability and Third Party insurance. The effective period of the insurance shall be from 3 days prior to the commencement of the event until and including 2 days after the conclusion of the event. The Premises Licence Holder shall provide the Licensing Authority with certified copies of the Policy and Certificates of Insurance, or other acceptable proof of cover.
8. The Premises Licence Holder shall provide written confirmation that all stewards and security personnel have received the appropriate level of training for the duties they have been assigned.
9. The Applicant must ensure the tenant of the car park has the written consent of Buckinghamshire County Council as landowner, for the use of the field as a car park for the event period. This is to be obtained and submitted to the Licensing Authority by Monday 30 May 2011.
10. No children under the age of 16 to be allowed into the event at any time.

The “Event Safety Management Plan” is to be incorporated into the Operating Schedule of the Licence. Where there is conflict between the Event Safety Management Plan and conditions imposed by the Licensing Authority’s Sub-Committee, those conditions imposed by the Sub-Committee will take precedence.

The Sub-Committee encourages the Applicant to continue to work closely with Thames Valley Police, Environmental Health and the Licensing Authority where appropriate; this includes circulating updated documents as the event develops.

The Sub-Committee would also encourage the Applicants to continue to attend Parish Council Meetings and engage in communication with the Interested Parties and adjacent land owners. This is to be done to ensure that appropriate measures are taken, which may include offering alternative accommodation for both people and livestock, to protect live stock and animals.

Right of Appeal

The interested parties have a right of appeal to Aylesbury Magistrates' Court against this decision. The applicant can appeal against the refusal of part of the application and the other parties can appeal against the variation of the licence or on the grounds that different or additional conditions should have been imposed.

If you wish to appeal you must notify Aylesbury Magistrates' Court within a period of **21 days** starting with the day on which the Council notified you of this decision.

01 March 2011