

**Aylesbury Vale District Council**

**DECISION OF THE LICENSING AND GAMBLING ACTS SUB-COMMITTEE FOLLOWING  
A HEARING ON 7 AUGUST 2014 AT THE COUNCIL'S GATEWAY OFFICES,  
GATEHOUSE ROAD, AYLESBURY**

**Application by 1Lovefestival Ltd for a premises licence for Springfield Farm, Salden  
Lane, Mursley, Buckinghamshire, MK17 0PN**

**Members of the Sub-Committee**

Cllr Steven Lambert (Chairman)

Cllr Andrew Huxley

Cllr Jenny Bloom

**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 Springfield Farm, Salden Lane, Mursley for the dates the 15 August until the 17 August 2014.

In general terms the application seeks permission for the sale of alcohol, the provision of live and recorded music, the provision of performances of dance and late night refreshment, as follows:

**Friday 15 August**

Sale of alcohol – 1300 hours to 0300 hours the following day

Live music – 1300 hours to 0000 hours

Recorded music – 1300 hours to 0300 hours the following day

Performances of dance - 1300 hours to 0300 hours the following day

Late night refreshment – 2300 hours to 0300 hours the following day

**Saturday 16 August**

Sale of alcohol – 1100 hours to 0300 hours the following day

Live music – 1100 hours to 0000 hours

Recorded music – 1100 hours to 0300 hours

Performances of dance - 1000 hours to 0300 hours the following day

Late night refreshment – 2300 hours to 0300 hours the following day

**Sunday 17 August**

Sale of alcohol – 1100 hours to 0000 hours

Live music – 1100 hours to 0000 hours

Recorded music – 1100 hours to 0000 hours

Performances of dance - 1000 hours to 0000 hours

Late night refreshment – 2300 hours to 0100 hours the following morning

It is intended by the applicant to use the permissions to support a three day music festival with ancillary camping for those attending.

The application received representations from Thames Valley Police, the Council's district Environmental Health Officer and two local residents. Prior to the hearing the police withdrew their representation and they did not take part in the hearing. The concerns of Environmental Health related principally to the prospect of noise disturbance to local residents. They also raised the need to test drinking water and to clear the land of livestock in sufficient time before the event, to allow its natural de-contamination. Representations were also received from two local residents – Mrs Choo raised the single issue of noise disturbance and Mrs Groom also mentioned noise as well as traffic disruption.

1love festival Ltd was represented by the director Daniel Wiltshire and supported by various members of his team, namely Chris Beale (noise consultant), Julian McLauchlan (production manager), David Preston (land owner), Benjamin Jolly (security) and Gawain Boal (security). Also present was Neil Green the district Environmental Health Officer. Apologies were received prior to the hearing from Mrs Choo and Mrs Groom so we did not consider it in the public interest to adjourn the hearing. Their representations were nonetheless considered very carefully by us.

Peter Seal, the Council's Licensing Services Manager presented the application to the Sub-Committee and parties present. He pointed out that the application was made relatively late and as a consequence the police and Environmental Health were put under some pressure to appraise, comment and agree the numerous procedures and arrangements that address the licensing objectives. Nevertheless the applicant satisfied the police prior to the hearing and indeed most of Environmental Health's concerns other than noise disturbance and the two issues mentioned earlier. Prior to the hearing the applicant provided a copy of a letter that was intended to be circulated to the local community explaining the event and publishing a complaint telephone number.

Neil Green, the district Environmental Health Officer began the discussion expressing his concerns arising from the application. His main concern related to noise disturbance to local residents. Mr Green pointed out that it was a predominantly rural area but with a significant number of residential properties relatively close to the proposed festival site. Background noise levels had been recorded and as expected they were low – as low as 32 dB. Ordinarily with similar events Environmental Health would seek to identify specific noise levels on the premises licence based on background noise levels. Mr Green said that the application had only been made 4 weeks ago and he had been unable to work closely with the applicant's noise consultant to agree noise levels.

Mr Green accepted that inaudibility was not possible but strict, measurable conditions need to be agreed along with a noise management plan detailing arrangements for monitoring and managing and setting out responsibilities. The applicant had submitted a plan dating back to June and it had lots of gaps that needed to be addressed. Without the plan and agreed noise levels Mr Green recommended that the application be refused.

Upon questioning Mr Green agreed that festivals mostly occur in rural areas but that many are established, well managed and local people accept them. He was also asked to justify why the levels recommended were sampled at 5 minute intervals rather than 15 minutes. Mr Green agreed that 5 minutes was more strict and more difficult to comply with but this was a rural area not used to events and such conditions had been agreed by other event organisers.

Mr Wiltshire then gave a brief description of 1love festivals. He said that the organisation had been running for 7 years and had an unblemished history. He had established a close working team who place an emphasis on public safety and minimal disturbance to local residents. The festival consists of reggae music and is unique with performers as old as 70 years and the average age of those attending is 37 years and includes families with children. It is a crime free and family event. He pointed out that his team had satisfied the police on all matters of crime and safety, including traffic management. Mr Wiltshire then handed over to his noise consultant, Chris Beale.

Mr Beale agreed that the application was relatively late. They were organising it for a site in Leighton Buzzard but felt it was inappropriate and thus the late move to Mursley. The noise management system they intended to use was a technology based system used by a number of high profile festivals. The methodology was to not rely on calculated noise measurements but use real time monitoring. The system was, in Mr Beale's opinion very good and reliable. He said it would be irresponsible to agree noise levels that were not achievable but what he was proposing was real time monitoring with rapid response should noise be unacceptable. The system relied on a noise sampling period of 15 minutes as this allowed the identification of the issue and subsequent control. The system not only measures the noise but records it too so that its source can be identified.

Mr Beale advised that the noise management plan is a live document and because of the late decision to move the event he was unable to complete the detail but it would be available before the event. He said that the applicant was genuinely concerned about the suitability of the site as he would like to use it again.

Mr Green questioned Mr Beale on a number of technical details relating to noise. Mr Beale advised that the background noise level will be higher, without the music performance due to compressors and equipment on the site. He said that they set working noise levels at the nearest sensitive site and various other locations. These are monitored in real time and managed via a 'traffic light' alert system. Levels are set when in-situ and levels are based on those that will not cause complaints. He pointed out that the main stage would stop at 11.00 p.m. and there would be a reduction in lower frequency noise which normally travels furthest. He suggested an appropriate noise level as a licensing condition of 50 db. Mr Green suggested that this was considerably higher than the background noise level. Mr Beale said again that there would be a detailed assessment when on site based on weather conditions. Monitoring sites would be located close to sensitive sites and carefully monitored and managed. Any complaints would be responded to using staff with hand held noise monitors so that action could be taken and the problem resolved. When asked about noise from DJs Mr Beale pointed out that the sound equipment would be controlled not by the DJ but the suppliers of the audio equipment itself.

Members of the Sub-Committee asked the applicant about the remaining issues relating to water quality and clearing livestock prior to the event. The applicant confirmed that the water had been tested and they were waiting for the certificates and Mr Preston, the land owner said that the livestock had been relocated in accordance with advice from the Chartered Institute of Environmental Health Officers. When questioned Mr Wiltshire said that the letter to residents would be circulated one week prior to the event.

During the course of the hearing the applicant agreed to reduce the scope of the licence by reducing the terminal hours by 1 hour with the exception of alcohol; recorded music and dance on Sunday..

### **The decision**

We have listened to all the representations and have read all the material.

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.

Under the Licensing Act, we cannot modify the conditions or reject the whole or part of the application merely because of unsubstantiated concerns or because we consider it desirable to do so. Any regulation we impose must actually be appropriate in order to promote the licensing objectives and must be supported by the facts and the relevant representations made.

We have taken into account that local residents have a right to respect for their private and family life and their home. They are entitled therefore not to be disturbed by, for example, anti-social behaviour or a noise nuisance. However, this is a qualified right and has to be balanced against the rights of others including the rights of other land owners and the rights of businesses to operate in the area.

We are satisfied that in all the circumstances the impact of the grant of the premises licence on the licensing objectives does not justify a rejection of the amended application for the following reasons.

The application is for a single summer event lasting for 3 days only over a weekend. Although we appreciate that it is a music festival with a large public capacity and that the timings of the activities are late, we are satisfied that the objections did not justify a refusal of the application.

Only two objections were received directly from residents whereas the applicant had obtained letters of support from the occupiers of 19 residential properties.

The concerns expressed by Environmental Health were taken seriously by us. We, in particular, appreciate the concern about the gaps which remain in the noise management plan. On the facts of this particular case, however, we accepted the assurances the applicant provided us about addressing the gaps before the event and doing everything reasonably possible to avoid causing a nuisance and disturbance.

Mr Beale told us that a 15 minute noise measurement period is required to allow the event team to identify and react to noise problems and that 5 minutes was not long enough. We agree.

We do not think that the lower noise levels recommended by Environmental Health are achievable and therefore did not think it was appropriate to impose them.

### **Conditions**

Having regard to the representations made, we are satisfied that the following further conditions are appropriate and necessary in order to promote the licensing objectives. That noise levels should not exceed 50 dB at the perimeter of the nearest noise sensitive dwelling identified by Environmental Health and that the event cannot take place unless Environmental Health have been provided with satisfactory water test results 48 hours prior to the event.

### **The effective date of this decision**

This decision takes effect immediately. However, the premises cannot be used in accordance with this decision until the licence (or a certified copy) is kept at the premises and a summary of that licence (or a certified copy) is displayed at the premises. These documents will be issued by Licensing Services as soon as possible.

### **Right of Appeal**

The objectors have a right of appeal to Aylesbury Magistrates' Court against this decision.

The applicant also has a right of appeal against the imposition of additional conditions.

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.

12 August 2014