



Licensing Sub-Committee agenda

Date: Monday 19 June 2023

Time: 1.00 pm

Venue: Via MS Teams - Virtual

Membership:

P Gomm, N Rana and J Rush (Chairman)

Webcasting notice

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If you have any queries regarding this, please contact the monitoring officer at monitoringofficer@buckinghamshire.gov.uk.

Agenda Item

Page No

1 **Introductory remarks by the Chairman**

2 **Apologies for absence**

3 **Declarations of interest**

To receive any disclosure of disclosable pecuniary interests by Members relating to any items on the agenda. If any Member is uncertain as to whether an interest should be disclosed, he or she is asked if possible to contact the District Solicitor prior to the meeting.

Members are reminded that if they are declaring an interest, they should state the nature of that interest whether or not they are required to withdraw from the meeting.

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|----------|---|----------------|
| 4 | Hearing Procedure Rules | 3 - 10 |
| | To note the hearing procedure rules and virtual licensing sub-committee procedural rules. | |
| 5 | Buckinghamshire Oktoberfest | 11 - 48 |
| | To consider an application under s.17 of the Licensing Act 2003 for a new premises licence in respect of Buckinghamshire Oktoberfest, Burnham Park, Windsor Lane, Burnham, SL1 7HR (report attached). | |

If you would like to attend a meeting, but need extra help to do so, for example because of a disability, please contact us as early as possible, so that we can try to put the right support in place.

For further information please contact: Shilpa Manek at democracy@buckinghamshire.gov.uk

Licensing and Regulatory Sub-Committee Virtual Procedural Rules

Procedure at Hearings before the Licensing Sub-Committee in relation to matters mainly under the Licensing Act 2003 as amended (“The 2003 Act”) **except** Interim Hearings (Summary Review of a Premises Licence) conducted pursuant to Section 53B of the Licensing Act 2003, as amended (separate Procedure).

Hearings for Gambling Premises are dealt with under the Gambling Act 2005 as amended.

Introduction

The Secretary of State for Housing, Communities and Local Government made [Regulations](#) (The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020) to ensure local authorities can conduct business during the current public health emergency and this legislation was passed on 4 April 2020. The Regulations will apply to local authority meetings (full council, executive, joint committee, committee or sub-committee) held before 7 May 2021 from 4 April 2020. Councils can make standing orders in respect of virtual meetings, and will not be constrained by any existing restrictions. The Licensing Act 2003 and the Licensing Act 2003 (Hearing) Regulations 2005 provide flexibility to Licensing Authorities in determining their own hearing procedures.

Administration in Relation to the Hearing

Prior written notice of the Hearing will have been given to the interested/relevant parties.

- (a) Where a party has informed the Council that they will not be attending or represented the Hearing may proceed in their absence.
- (b) Where a party has not replied to the notice, does not attend and is not represented then the Sub-Committee may proceed with the Hearing in that party’s absence or adjourn the Hearing if it is considered necessary in the public interest to do so.
- (c) If a party has indicated they will attend but does not appear, that party must inform the Council of any delay - with reasons - and in consideration thereof the Sub-Committee can decide to proceed with the Hearing or adjourn to later the same day or another time. If a party is more than 15 minutes late and has not contacted the Council with details of any delay – the Sub-Committee shall proceed with the hearing unless it is in the public interest not to do so and shall adjourn the hearing to later on the same day or another date.

If the Hearing is held in a party’s absence, the Sub-Committee will still consider the application, representation or notice made by that party.

A hearing can be dispensed with if all parties give notice that they consider a hearing unnecessary. If this is the case the application/notice will be dealt with by way of a determination.

Representations can be withdrawn by prior notice 1 working day before the Hearing or orally at the Hearing.

At the Hearing any party can be assisted or represented by any person whether or not that person is legally qualified.

Account can be taken of documentary or other information produced by a party in support of their application, representation or notice (as applicable) either 1 working day before the Hearing or - with the consent of all other parties - at the Hearing, in which case sufficient copies are required to be provided for all relevant parties. Any party wishing to call another person (other than a person representing them) to make oral representations must provide details of this to the Council within the time stated in the Notice of Hearing which the Council will serve on the Parties. At the beginning of the Hearing the Sub-Committee will consider any such requests and confirm whether permission is granted for that person to speak.

The Sub-Committee may disregard any information which is not considered relevant to the application/representation/notice and the promotion of the licensing objectives.

The purpose of a Hearing is to enable those with a right to appear to amplify their written application or representation and to test the case of their opponents. It is also to assist the Sub-Committee to gather evidence and understand the relevant issues. The parties (including other persons on their behalf) will be allowed an equal reasonable period of time to address the Hearing and ask questions. The Chairman may set a maximum period of time on how long each party may speak, progressing without undue delays and ensuring that there is a fair hearing. Where the representations made relate to the same or similar issues, a spokesperson should be appointed where possible to speak on behalf of any person who has made a written representation.

The Decision of the Licensing Sub Committee will be made after the close of the Hearing when the Chairman retires with the legal advisor and the Clerk to the Sub-committee in a private session to consider all the evidence and submissions made at the hearing.

The decision of the Sub-committee will be communicated to all parties by way of a written Decision Notice issued by Legal Services. This notice shall be issued within 7 days of the hearing and if there is to be a delay in issuing such a notice; the licensing officer will communicate with all parties. The notice will contain will be dated and set out the provisions of the Right to Appeal to the Magistrates Court.

The Sub-Committee may depart from this procedure (as varied/amended from time to time based on changes to law and practice) if it considers reasonably necessary and proportionate.

Access to Information

The Council can hold and alter the frequency and occurrence of meetings without requirement for further notice.

The new 2020 Regulations make provision for local authority members and officers, and the public, to have access to documents without attending council buildings and it will be sufficient for local authorities to publish the documents on their website. This includes notices, agendas, reports, background papers and minutes. The Proper Officer will give the requisite notice to the public of the time of the meeting, and the agenda, together with details of how to join the meeting which will be available on the website.

The obligation under the old Regulations (Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012) to supply copies of such documents in response to requests made by members of the public and on behalf of newspapers is disappplied.

The requirement in England for 5 clear days' notice to be given of principal council meetings, including annual meetings, still applies however notice can now be given on the council's website.

Time and Place of Meetings

Meetings can be held remotely, including by (but not limited to) telephone conferencing, video conferencing, live webcast, and live interactive streaming even if particular members of the public cannot access them. This Council will use Microsoft Teams to hold virtual meetings and will invite external participants to virtual meetings, if any, via email or telephone. Virtual meetings will be webcast where the Hearing is held in public via a link published on the meeting webpage.

The Constitution states that when reasonably practical, a sub-committee meeting should be held at the Council facility which is closest to the premises or issue that is the subject of the meeting. However, this requirement cannot be met during this current period.

During the Hearing

It is a requirement for such hearings that:

- a) proper notice is given, with all papers served timeously on the authority and published online;
- b) the actual parties to the hearing are able to participate;
- c) any member of the public can see or hear, albeit not participate in, the hearing.

Although held in a virtual format, Hearings dealing with new licences or variations to existing licences will follow the standard procedure. Panel Members may ask questions of any party at any time. Questions are usually taken after each person has spoken. It is helpful to undertake a document check at the start of the Hearing.

In terms of issues that may arise during the Hearing the following rules apply:-

Quorum for Meetings

The rules for quorum will still apply. This is 3 Councillors for a licensing or regulatory sub-committee. It is also considered good practice to have a reserve member, in case of interests. The constitution states that if a quorum is not present within 10 minutes of the scheduled start of the meeting or such longer time as allowed by the Chairman, the business of the meeting will be adjourned. The Chairman may allow for flexibility around the start time of the meeting where there are any technical issues.

In the event of any apparent failure of the technology the Chairman should immediately determine if the meeting is still quorate. The Chairman could adjourn for 10-15 minutes to allow the connection to be re-established. If an individual remote participation fails the Chairman may call a short adjournment. As the hearing must have 3 members present, the meeting will be reliant on the lost connection being re-established to ensure all members are present for the entire discussion in order to hear all of the facts and vote on the matter.

Only 3 members are permitted on Licensing and Regulatory Sub-Committees (LSC) for each Hearing (as per Section 9 of the Licensing Act 2003 and the Constitution Terms of Reference for the LSC). The reserve member is present in case an interest arises at the beginning of the Hearing or one of the 3 members identified as being on the LSC fails to attend the virtual meeting. It is only those 3 members who have been identified as being on the LSC for that Hearing who can ask questions of the other parties. A reserve member would not be able to participate if the technology fails for one

of the members present as whilst they would be listening they will not have taken an active role nor been included in the process/asked to see if they have any questions etc.

Attendance at meetings and webcasting

A roll call or introductions will be made at the start of the meeting to record those present. There is no requirement for councillors to sign their names on the attendance sheets when attending a virtual meeting. The Democratic Services Officer will maintain a list of attendance throughout the meeting.

To be classified as a 'member in attendance' and attend a meeting remotely, the following conditions must be satisfied;

- a) councillors must be able to hear and (where practicable) see and be heard and (where practicable) be seen by other councillors in attendance at the meeting. This full requirement also extends to members of the public attending to exercise a right to speak at the meeting.
- b) All other members of the public must as a minimum be able to hear (but if practicable be seen as well).

In practice this means that if councillors and speaking members of the public can be heard and hear each other and other members of the public not speaking can hear, this would fulfil the requirements of holding a virtual meeting.

Members of the press and public may only be excluded from a meeting in accordance with the Access to Information Rules.

The Regulations state that meetings being open to the public include access by remote means. Such access includes (but is not limited to) video conferencing, live webcast, and live interactive streaming and where a meeting is accessible to the public through such remote means the meeting is open to the public whether or not members of the public are able to attend the meeting in person. For clarity, a meeting recorded and then posted online after the event would not satisfy this requirement.

In the event that the live webcast fails and cannot be resumed the meeting will be opened and adjourned to allow for it to take place at a hearing (the date and time of which will be fixed prior to the matter being adjourned).

The people on the Teams call who are present throughout the meeting are the Members of the Sub-Committee, any officer supporting the meeting and those who have submitted valid representations, applicant and/or legal representative. The public gallery, where Members can sit and observe the meeting alongside members of the public, is the webcast version. It is important to keep numbers in the meeting (except for those allowed to be present as Members) to a minimum to enable the proper flow of the virtual meeting.

Conflicts of interest

Councillors should consider if they have an interest, and, if required, seek advice from the Monitoring Officer, or their deputy, before the meeting starts. If a Councillor appointed to a licensing hearing considers that their interest is prejudicial they should notify Democratic Services as soon as possible so that an alternative councillor can be appointed to the licensing hearing.

Where a councillor has an interest they must declare their interest and the nature of it at the start of the meeting. If the interest is 'personal' having declared a personal interest the councillor may continue to speak and vote on the item of business concerned. If the councillor has a prejudicial interest they will not be able to take part in the discussion or decision and must leave the meeting. A reserve councillor, if available, will then be called upon to serve on the hearing in their absence.

Minutes of meetings

The Minutes of meetings will be published on the website if the meeting is held in public.

Questions

Parties can ask questions of other parties in accordance with the procedure below. The Chairman can stop a party asking questions if they feel the questions are unnecessary. Parties are expected to treat other parties with respect and any form of harassment or excessive questioning will not be tolerated. In such cases the Chairman will ask the party to discontinue that type of questioning. The Chairman can require any person (including any of the parties) who is disrupting the proceedings to leave the Hearing.

Order of business (as normal)

1. The Chairman will open the Hearing and start the introductions of the Sub-Committee and Officers and ask each party to introduce themselves. The Chairman will confirm that if a party is not present their representations/application will have been read and will be considered in reaching the decision.
2. The Chairman will address any interest arising under the Code of Conduct.
3. The Chairman will consider any submitted requests from a party for permission for another person to appear at the virtual Hearing and any other procedural matters. If necessary, the sub-committee will retire to deliberate before making a decision.
4. If all parties present confirm that they have seen and understand the procedure to be followed at the virtual Hearing and agree they are ready to proceed then the Hearing **shall commence as set out from para 9 below**.
5. The Chairman will remind everyone that the purpose of the virtual Hearing should be borne in mind at all times i.e.
 - to enable those with a right to appear at the virtual meeting to advance their point of view and concerns and to test the case of their opponents and
 - to assist the Sub-Committee to gather evidence and understand the relevant issues.
6. The Chairman will confirm what advance papers have been received and that these have been read and therefore there is no need to repeat these matters.
7. The Chairman will make clear that parties should only address the Sub-Committee in relation to matters previously raised/submitted. Late evidence to be submitted at the Hearing will only be considered by the Licensing Sub-Committee with the consent of all parties present.

8. The Chairman will then outline the procedure to be followed by reading out the order of oral presentations unless all parties present have confirmed that they have seen and understood the procedure and are ready to proceed with the virtual Hearing.
9. The Chairman will ask the Applicant whether they wish to make any amendments to their application with a view to addressing issues raised by the representations.
10. Order of oral presentations:-
 - a. The Licensing Officer will present their report outlining the details of the application/notice and representations received.
 - b. Any party may question the Licensing Officer.
 - c. The Members may question the Licensing Officer.
 - d. The Applicant will present their case and call their witnesses
 - e. Any other party may question the Applicant. Any party includes any responsible body.
 - f. The Members may question the Applicant
 - g. Each Interested Party will present their case in turn and call their witnesses.
 - h. Any other party may question the Interested Party.
 - i. The Members may question the Interested Parties.
 - j. The Licensing Officer may question the Interested Parties.

Once they have made their representations under the requirements of the constitution they will need to switch off their microphone and not participate any further in the meeting unless they are asking any questions or wish to sum up. No speaking is timed.

11. Before moving onto the next party at any time during the procedure above, the Chairman will check there are no further points the current party wishes to make or any further questions that need to be put to that party.
12. There may be a discussion at the hearing, on a without prejudice basis, where each party will be asked to address/give their views on any proposed conditions and suggest any other appropriate conditions to assist the Sub-Committee. Any agreed conditions may be incorporated into the Decision Notice if the application is successful. However, the Sub-Committee to determine any final conditions that will apply to the licence.
13. Each party will be invited to make closing submission in the order as set out in paragraph 10.
14. The Chairman will then close the Hearing and the Sub-Committee will meet (privately) virtually together with the Clerk and the Sub-Committee Legal Advisor for the matter to be determined.
15. The Sub-Committee will come to a decision which will be sent to the Applicant and all other parties' who submitted relevant representations within the time limits set out in this procedure and Regulations together with details of the right of appeal.

When can the Chairman be interrupted?

There are circumstances allowed for in the Constitution where the Chairman can be interrupted such as:-

- Technology is not working effectively

- Officer needs to provide advice
- Point of order or personal explanation

or any other area where the Constitution or Chairman allows.

Disturbance during proceedings

The Constitution states that if anyone interrupts proceedings the Chairman will warn the person concerned and if they continue to interrupt the Chairman will order their removal from the virtual meeting room. There may be circumstances where the person needs to be removed immediately, for example if they are being inappropriate, and the Chairman can do this by muting their microphone. If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as they consider necessary.

Adjournments

People will remain on the call with mics muted and cameras off until the meeting starts again. The Chairman may also want to consider having a comfort (screen) break for longer meetings. If there is a problem with the technology the Chairman should pause the meeting until that issue has been resolved. However, this does not stop a meeting going ahead because a person does not have access to the required technology in the first place. If technology fails for a wholly remote meeting, and the meeting is no longer open to the public, any decisions made could be challenged as unlawful which renders the whole meeting incapable of proceeding and therefore the Chairman should adjourn until the remote meeting can be restored within a reasonable period, or at a time and date fixed by the Chairman. Any interested party eligible to speak who attends to exercise their right to speak and is unable to do so renders only their item incapable of proceeding unless they are happy to submit their comments through a written representation.

The Council will try and achieve the best possible outcome.

Deliberations and Exclusion of the Press and the Public

Under Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005 the licensing authority may exclude the public from all or part of the hearing where it considers that the public interest in doing so outweighs the public interest in the Hearing or part of that Hearing taking place in public. In addition there may be information in the agenda pack pertaining to the hearing be exempt from publication or discussion in public under Schedule 12A of The Local Government Act 1972 as amended. In these circumstances the public will be excluded from part or the whole of the Hearing as appropriate.

At the conclusion of the Hearing, the Sub-Committee together with the Democratic Services Officer and Legal Advisor, will remain in a private virtual meeting in order to deliberate on the decision. Interested parties will then be notified of the outcome of the hearing in writing after the meeting in accordance with required timescales.

Each Member in remote attendance must ensure and verbally declare that there are no other persons present who are not entitled to be (either hearing or seeing) consideration of such items, and/or recording the proceedings.

The Sub-Committee may depart from this procedure (as varied/amended from time to time based on changes to law and practice) if it considers it necessary and/or equitable to do so.

NOTE

IN PRODUCING THIS PROCEDURE, THE FOLLOWING HAVE BEEN CONSIDERED: -

- Licensing Act 2003 *as amended* - and Explanatory Notes
- National Guidance
- The Licensing Act 2003 (Hearings) Regulations 2005 as amended
- The Human Rights Act 1998.
- Local Government Act 1972 as amended.
- The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020

| | |
|----------------------------|--|
| SUBJECT: | APPLICATION FOR A NEW PREMISES LICENCE at: Buckinghamshire Oktoberfest, Burnham Park, Windsor Lane, Burnham |
| REPORT OF: | Application under section 17, Licensing Act 2003 |
| Responsible Officer | Brian Whittall – Licensing Officer |
| Report Author | Brian Whittall – Licensing Officer |
| Ward/s Affected | Cliveden Ward |

1. Purpose of Report

To provide Members with information enabling the determination of an application for a new Premises Licence, in respect of which relevant representations have been received.

The Application has been submitted by Barbican Events Limited, 136 Dragon Road Hatfield Hertfordshire AL10 9NZ (“the applicant”) in respect of Buckinghamshire Oktoberfest, Burnham Park, Windsor Lane, Burnham, SL1 7HR (“the premises”).

2. Background

2.1 The premises hosts a number of events throughout the year as a community asset and is located close to residential properties.

A location plan showing the premises location is attached to this report marked “**Appendix 1**”.

3. The Application

3.1 This application is for a new Premises Licence to commence with immediate effect upon the decision to grant by this licensing authority. A copy of the application is attached to this Report marked **Appendix 2**. A plan of the “premises” is attached **Appendix 3**.

3.2 The licensable activities sought are as follows:

| <u>Proposed activity</u> | <u>Proposed hours</u> |
|--|-----------------------|
| Supply of alcohol (Both on & off the premises) | Friday 16:00 - 22:30 |

| | | |
|--|----------|---------------|
| Provision of Live Music (Indoor) | Saturday | 11:00 - 22:30 |
| | Sunday | 12:00 – 20:00 |
| | Friday | 16:00 - 22:30 |
| Playing of Recorded Music (Indoor) | Saturday | 11:00 - 22:30 |
| | Sunday | 12:00 - 20:00 |
| | Friday | 16:00 - 22:30 |
| Hours premises are open to the public | Saturday | 11:00 - 22:30 |
| | Sunday | 12:00 - 20:00 |
| | Friday | 16:00 - 22:30 |

4. Relevant Representations

4.1 Responsible Authorities:

- 4.1.1 **The Chief Officer of Police:** Response received – No Objection.
- 4.1.2 **The Licensing Authority:** Objection received, **Appendix 4**
- 4.1.3 **The Fire and Rescue Authority:** Response received – No objection
- 4.1.4 **The Local Planning Authority (Head of Sustainable Development):** No response received - No comment
- 4.1.5 **The Local Environmental Health Authority (Head of Environmental Health):** Response received – No objection, **Appendix 5**
- 4.1.6 **Weights and Measures Authority (Trading Standards Officer):** No response received - No comment
- 4.1.7 **The Safeguarding and Child Protection Unit:** No response received - No comment
- 4.1.8 **The Primary Care Trust:** No comment

- 4.2 **Any other persons:** One objection was received during the 28 day consultation **Appendix 6**. Following this representation, the Licensing Officer sought to mediate and upon request was provided a Noise Management Plan by the applicant, **Appendix 7**.

The representation has not been withdrawn.

5. Licensing Officer's Observations:

5.1 The Relevant Representations received raise the follows issues:

- **The prevention of public nuisance**

Representations mentioned concerns regarding noise occurring on the premises so as to cause a public nuisance to local residents.

Government Guidance states the following: 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. The approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

The Council's own Statement of Licensing Policy states, 3.65 Given the complexity and scale of large events it is normal practice to produce an Event Management Plan (EMP).

3.66 For the purpose of an application for a premises licence the EMP can be the operating schedule. The Act requires the Licensing Authority to issue the licence with conditions consistent with the operating schedule accompanying the application. Paragraph 10.7 of the Statutory Guidance states that 'consistency means that the effect of the condition should be substantially the same as that intended by the terms of the operating schedule.' Applicants should bear this in mind when drafting their EMP so that the premises licence is prepared with clear and enforceable conditions attached to it.

5.2 In addition to the Mandatory Conditions, the Licensing Sub-Committee should consider those conditions offered in the operating schedule and decide whether they are appropriate for the promotion of the licensing objectives and address any valid representations made by Interested Parties.

6. Policy Considerations

6.1 Regard must be had to the Council's adopted Licensing Policy published February 2022 when determining this application. Of particular relevance (but not limited to) the following:

3.35 Public nuisance relates to the negative effects of nuisances including noise, light, odour, dust and litter affecting, or likely to affect, at least a few separate households locally. The Licensing Authority is keen to protect the amenity of residents and businesses in the vicinity of licensed premises. At the same time the Licensing Authority is aware that the licensed trade is important to the local economy and promoting the Council's culture and leisure aspirations. Consequently, the Licensing Authority will try and work together with statutory agencies, licensed businesses, residents and other businesses to reach a

compromise in its decision making. 3.36 In considering all licence applications, the Licensing Authority will consider whether the measures proposed to deal with the potential for public nuisance having regard to all circumstances of the application, are adequate. In preparing applications, applicants are strongly encouraged to consider the measures set out below. Much weight will be placed on recommendations made by Environmental Health Officers in terms of preventing public nuisance.

3.37 Particular measures include:

- a) **Noise escape.** The steps taken or proposed to be taken by the applicant to prevent noise and vibration escaping from the premises, including music, noise from ventilation equipment and human voices. Such measures may include the installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices. In appropriate circumstances and where not included in the operating schedule, a condition may be imposed requiring the assessment by the applicant (either with or without the involvement of Environmental Health), of potential noise sources which could cause disturbance to those in the vicinity and to identify and implement appropriate control measures.
- b) **Customer arrival.** The steps taken or proposed to be taken by the applicant to prevent disturbance by customers arriving at the premises, particularly at night. This may include last entry conditions, minimisation and control of queuing and supervision of the exterior of the premises. If some queuing is inevitable then queues should be diverted away from neighbouring premises or be otherwise managed to prevent disturbance or obstruction.

6.2 Regard must also be had to the national Guidance issued by the Home Office under Section 182 of the Licensing Act 2003, as amended.

7. Links to Council Policy Objectives

7.1 The Authority regards existing and future environmental qualities and character of the District to be important when consideration is given to granting licences for any purpose. When considering licensing applications where relevant representations have been made, the Authority will consider its effect on the licensing objectives and in particular the effect the licence will have on the public nuisance objective. In order to consider these matters, it is necessary to consider the environment of the area in which the premises are or will be situated.

Guidance issued under s.182 (p.18)

Prevention of a public Nuisance

2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

- 2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.
- 2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

8. Resources, Risk and Other Implications

- 8.1 **Resource:** The only resource implications to date have been officer time however if the applicant or persons making relevant representations appeals against the decision of the Licensing Sub – Committee this would result in legal fees to defend the appeal and further costs. In the event of a successful appeal the Council may also have to pay the applicant/other party's costs.
- 8.2 **Human Rights:** The Licensing Sub-Committee's decision regarding this application will have Human Rights implications in respect of both the Applicant and the persons making relevant representations which also need to be considered equally and fairly so that the decision is proportionate and the right balance is met. The referral of this matter to the Sub-Committee is laid down in the Licensing Act 2003, as amended and is also in accordance with Article 6 of the Human Rights Act 1998, the right to a fair hearing, which is an absolute right. The Applicant and the persons making relevant representations have been notified of the Hearing and invited to make representations. A statutory right of appeal to the Magistrates Court and the right (if it arises) to challenge the Sub-Committee's decision by way of Judicial Review to the High Court also ensure a fair hearing to both the Applicant and the persons making relevant representations.

- 8.3 Article 8 and Article 1 of the First Protocol - the right to respect for private/family life and peaceful enjoyment of property/possessions (including Licences) - also needs to be considered. The persons making relevant representations have a right to respect for their private and family life and their home. They are entitled not to be disturbed by unreasonable noise and/or nuisance. However, this is a qualified right and has to be balanced against the rights of others including the rights of businesses in the area to operate.
- 8.4 Article 14 of the Human Rights Act 1998 - the right to freedom from discrimination (which is an absolute right) also needs to be considered. The human rights provided under the Human Rights Act 1998 must not be subject to discrimination under various headings, including race, national or social origins, association with a national minority group or other status.
- 8.5 Interference with these rights is acceptable within the terms of the Human Rights Act 1998 if it safeguards the rights of others, is legitimate, proportionate and balanced in that there is a need to find a fair balance between the protection of individual rights and the interests of the community at large – other than rights under Article 6 and 14 which are absolute rights and can not be interfered with.
- 8.6 Therefore if Members refuse to grant the application for a new Premises Licence in whole or part or grant it subject to conditions, this will be a breach of the rights of the Applicant unless such refusal (in full or part) is, and/or the conditions imposed are, appropriate, proportionate and can be justified, on balance, by being outweighed by the rights of the community at large to peaceful enjoyment of their property/possessions. Any restriction placed upon the Premises Licence must not go beyond what is strictly necessary to achieve its legitimate purpose in order to mitigate the interference with the community at large's enjoyment of their property/possessions.
- 8.7 By taking into consideration all the material considerations relating to this application and balancing the interests/rights of all parties involved it is considered that the Licensing Sub-Committee's decision will be both proportionate and justified having had regard to the Human Rights Act 1998.
- 8.8 The Equality Act 2010, including the Council's Public Sector Equality Duty, must be taken into account when making decisions in relation to licensing applications.

9. Determination by the Licensing Sub-Committee

- 9.1 The Sub Committee is obliged to determine applications in the light of the above and any other material considerations with a view to promoting the four licensing objectives. Which are:
- The prevention of crime and disorder
 - Public safety
 - Prevention of public nuisance
 - Protection of children from harm

Regard must also be had to the Council's Licensing Policy, Home Office Guidance issued under Section 182 of the Licensing Act 2003, as amended, relevant representations received and the evidence presented at the Hearing.

- 9.2 Each application must be considered on its own merits and any conditions attached to premises licences must be tailored to the individual style and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to promote the licensing objectives in any individual case.
- 9.3 The Sub-Committee must avoid duplication of other legal requirements and should only impose conditions on a premises licence which are appropriate and proportionate for the promotion of the licensing objectives and where additional and/or supplementary measures are required in order to promote the licensing objectives.
- 9.4 The following options are available to the Licensing Sub Committee:
 - 9.4.1 Grant the Premises Licence - subject to any conditions which are consistent with the Operating Schedule and which are considered appropriate and proportionate for the promotion of the four licensing objectives in response to relevant representations received - and any relevant mandatory conditions.
 - 9.4.2 Exclude from the scope of the Premises Licence granted under Para 9.4.1 above any of the licensable activities to which the application relates.
 - 9.4.3 Refuse to specify a person in the Premises Licence granted under Para 9.4.1 as the premises supervisor.
 - 9.4.4 Reject the whole of the Application.
 - 9.4.5 Grant the Premises Licence subject to different conditions for different parts of the premises or the different /reduced licensable activities if this is considered appropriate and proportionate to promote the four licensing objectives and in response to the representations received).
- 9.5 The Sub-Committee is asked to note that it may not reject the whole or part of the application or attach conditions - merely because it considers it desirable to do so. It must actually be **appropriate and proportionate** in order to promote the 4 licensing objectives and be in response to the representations received and full reasons must be given for the Sub-Committee's decision.

Conditions offered in the Operating Schedule

Prevention of crime and disorder

1. We will be carrying out body scans and bag checks upon entry.
2. We will have stewards in highvis vests based outside the tent on the street, directing the flow of people, reducing any noise and being a presence as people enter and leave the event.
3. If there is any anti-social behaviour when the guests leave the premises the police will be informed.
4. Security will be situated in multiple locations around the tent, at the exits and will be patrolling around the site. If in the event any problems do arise it will be spotted straight away and the appropriate measures will be taken.

Public safety

1. The event is non reserved seating in the general admission area, we have 960 guests in that area and have allocated seating for 1060 to ensure there is no overcrowding.
2. All alcohol and refreshments consumed on the premise will be made of disposable plastic or toughened plastic.
3. Two first aiders will be on the premises at all times.
4. All parts of the premises will be adequately illuminated.

Prevention of public nuisance

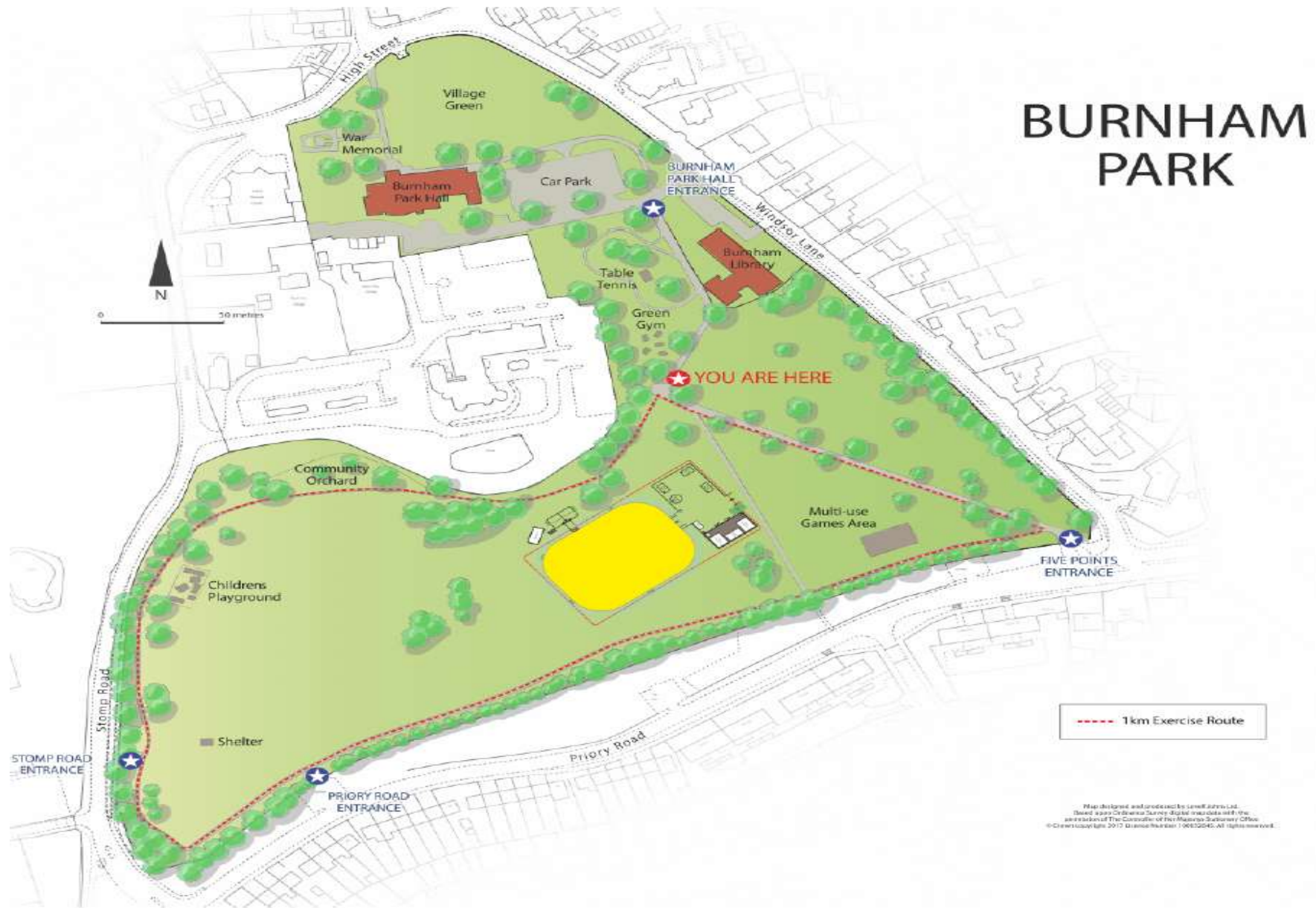
1. Any persons leaving the premises will be reminded to conduct themselves in an orderly manner and do not in any way cause annoyance to residents or persons passing by.
2. Patrons will not be permitted to leave the premises with any glass or drink which belong to the premises.
3. All music and entertainment will finish at 22.30 to limit noise pollution.
4. We aim for the tent to be situated on the furthest point away from any neighbours in the park, away from commercial and residential properties.

Protection of children from harm

1. This will be a strictly over 18s event.
2. IDs will be checked on the door, enforcing the challenge 25 scheme and anyone without ID will be refused entry.
3. If anyone is found using a fake ID, it will be confiscated and police will be notified.

Informative/s -

| | |
|---------------------------|--|
| Officer Contact: | Brian Whittall (01494 421 346) – email address: brian.whittall@buckinghamshire.gov.uk |
| Background Papers: | Application Ref PR202302-31243 Licensing Act 2003, as amended Licensing Policy – Wycombe Area Published December 2018. Home Office Guidance issued under Section 182 of the Licensing Act 2003, as amended. |



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Buckinghamshire Council Premises licence application Form Transcript

Applicant

Are you an agent acting on behalf of the applicant?

No

Agent (if applicable)

Applicant Details

Type of applicant

organisation

Applicant(s)

Name

Barbican Events Limited

Email

info@barbicanevents.com

Phone

[REDACTED]

Address

[REDACTED]

Registered number

13487570

Details

Limited Company

Right to work documents (if applicable)

Partners (if applicable)

Company Number (if applicable)

13487570

Premises

Premises name

Buckinghamshire Oktoberfest

Premises address

BURNHAM PARK WINDSOR LANE BURNHAM

Phone number at premises

██████████

Premises description

The event will take place in a big top tent in Burnham Park. There will be heras fencing border around the site and the site will be self-sufficient with toilets, power, running water, security, lights and first aid. Off-premise consumption will ONLY be applicable at the end of the event, to attendees who have have attended the event and wish to take their drink away with them in disposable plastics. As we do not allow guests with polycarbonate glasses off the premises. Stewards, security and litter pickers will be outside the premises after the event monitoring the egress of the crowd.

Non-domestic rateable value of premises

0

Licence details**Licence start date (if applicable)**

29 September 2023

Do you want the licence to only be valid for a limited period?

No

Licence end date (if applicable)**Do you expect 5,000 or more people to attend the premises at any one time?**

No

Attendance Number (if applicable)**Licensable Activities****Opening Times****Times**

Monday:

Tuesday:

Wednesday:

Thursday:

Friday: 16:00 - 22:30

Saturday: 11:00 - 22:30

Sunday: 12:00 - 20:00

Live Music

Times

Monday:

Tuesday:

Wednesday:

Thursday:

Friday: 16:00 - 22:30

Saturday: 11:00 - 22:30

Sunday: 12:00 - 20:00

Location

Indoor

Additional details

Live music consisting of traditional brass instrument bands and solo artists will play within the standard days and times stated above. Music will be amplified and a sound engineer will be on site monitoring the noise every 1.5 hours with the event manager.

Recorded Music**Times**

Monday:

Tuesday:

Wednesday:

Thursday:

Friday: 16:00 - 22:30

Saturday: 11:00 - 22:30

Sunday: 12:00 - 20:00

Location

Indoor

Additional details

Recorded music played on an amplified sound set will be played within the standard days and times stated above. Similarly to the live music, a sound engineer will be on site monitoring the noise every 1.5 hours with the event manager.

Sale by Retail of Alcohol**Times**

Monday:

Tuesday:

Wednesday:

Thursday:

Friday: 16:00 - 22:30

Saturday: 11:00 - 22:30

Sunday: 12:00 - 20:00

Location

Both

Adult entertainment

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

No

Specify any adult entertainment (if applicable)

Do you intend to provide gaming machines on the premises?

No

Designated premises supervisor details

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

Upload

Full name

Mr Thomas Connolly

Date of birth

[REDACTED]

Address

[REDACTED]

Upload the consent from the proposed designated premises supervisor

["DPS Consent Form (Burnham).pdf"]

Personal Licence Number

[REDACTED]

Personal Licence Issuing Authority

Hertsmere

Licensing objectives

General licensing objectives

1. The DPS will be on site at all times when licensable activities are taking place. The DPS will work closely with the head of security, the head of stewards and the bar manager to ensure the sale and consumption of alcohol is carried out safely. 2. Security will be provided by a professional SIA approved security contractor. They are providing SIA licensed security at a ratio of 75:1 (Attendees : Security) with 2 supervisors. 3. The event is strictly over 18. IDs will be

checked on the door. The security will carry out body scans and bag checks upon patrons arrivals.

Prevention of crime and disorder

1. We will be carrying out body scans and bag checks upon entry. 2. We will have stewards in hi-vis vests based outside the tent on the street, directing the flow of people, reducing any noise and being a presence as people enter and leave the event. 3. If there is any anti-social behaviour when the guest leave the premises the police will be informed. 4. Security will be situated in multiple locations around the tent, at the exits and will be patrolling around the site. If in the event any problems do arise it will be spotted straight away and the appropriate measures will be taken.

Public safety

1. The event is non reserved seating in the general admission area, we have 960 guests in that area and have allocated seating for 1060 to ensure there is no overcrowding. 2. All alcohol and refreshments consumed on the premise will be made of disposable plastic or toughened plastic. 3. Two first aiders will be on the premises at all times. 4. All parts of the premises will be adequately illuminated.

Prevention of public nuisance

1. Any persons leaving the premises will be reminded to conduct themselves in an orderly manner and do not in any way cause annoyance to residents or persons passing by. 2. Patrons will not be permitted to leave the premises with any glass or drink which belong to the premises. 3. All music and entertainment will finish at 22.30 to limit noise pollution. 4. We aim for the tent to be situated on the furthest point away from any neighbours in the park, away from commercial and residential properties.

Protection of children from harm

1. This will be a strictly over 18s event. 2. IDs will be checked on the door, enforcing the challenge 25 scheme and anyone without ID will be refused entry. 3. If anyone is found using a fake ID, it will be confiscated and police will be notified.

Premises plan upload

Upload the premises plan

["Floor plan Burnham Park.pdf"]

Declaration

I/We apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described above in this application and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] **I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK** (or if I am subject to a condition preventing me from

doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK.

The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work.

It is an offence liable to summary conviction to a fine of any amount under section 158 of the Licensing Act 2003, **to make a false statement in or in connection with this application.**

It is an offence under Section 24B of the Immigration Act 1971 **for a person to work when they know, or have reasonable cause to believe, that they are disqualified from doing so** by reason of their immigration status. **Those who employ an adult without leave or who is subject to conditions as to employment will be liable to a civil penalty** under Section 15 of the Immigration, Asylum and Nationality Act 2006 and pursuant to Section 21 of the same Act, will be committing an offence where they do so in the knowledge, or with reasonable cause to believe, that the employee is disqualified.

Full name: Andrew Dempsey

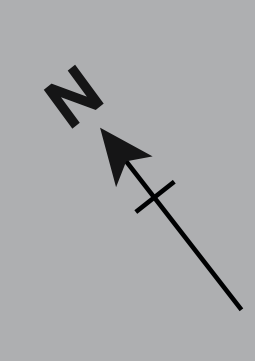
Capacity: Director

Date: 06 April 2023

2nd Applicant (if applicable):

Capacity:

BARBICAN EVENTS



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BUCKINGHAMSHIRE COUNCIL

MEMO

To: Licensing Services

From:

Catriona Crelling

Tel Ext: 5875

Date 10.05.23

Ref: PR202304-318413

Ref: PR202304-318413

Application for a New Premises Licence

Buckinghamshire Oktoberfest, Burnham Park, Windsor Lane, Burnham

I am submitting a representation on behalf of the Licensing Authority in respect of this application for a new premises licence. In drafting this representation, careful consideration has been given to the promotion of the four licensing objectives, the Buckinghamshire Council Statement of Licensing Policy and the Secretary of State Section 182 Guidance.

The application is for both on and off sales of alcohol between the hours of 16.00 and 22.30 on a Friday evening, 11.00 and 22.30hrs on the Saturday and 12.00 and 20:00hrs on a Sunday. The application also specifies regulated entertainment in the form of both live and recorded amplified music over the same hours. Whilst the application specifies a start date of Friday 29th September, this application is not for a time limited premises licence, so there is no indication of when any other event will take place under this licence.

The event described in the application is an "Oktoberfest" - a German themed food, drink and music event to be held in Burnham Park. The event will be fenced off with heras fencing and self contained in terms of the facilities and services provided with the main seated area located in a big top marquee with banquet style seating. There will also be an outside area which will include a food court and entertainment.

Having reviewed the application and the proposed operating schedule, I cannot be satisfied that the licensing objectives will be met at all events held under the premises licence should it be granted in its present form. This is primarily because this is an application for an ongoing premises licence as opposed to a time limited licence for a one-off event. Events may vary from year to year and this is not reflected in the applicant's proposed operating schedule. The application also makes no reference to production of an event management plan or consultation with the council's Safety Advisory Group (SAG).

Regarding events, the Council's Statement of Licensing Policy states:

"3.63 For the purpose of this section a large event is a one-off event which has the potential for significant public nuisance to the wider community, increased risk of crime and disorder and which carries a significant risk to public safety. It is not necessarily defined by the number of people attending. Applicants are strongly recommended to check in advance with the Licensing Authority whether the proposed event is likely to be treated as a large event within the meaning of this Policy.

3.64 Organisers of large events are also strongly encouraged to make early contact with Buckinghamshire Council's Safety Advisory Group (SAG). The SAG is made up of representatives from the emergency services and other agencies concerned with event safety. The SAG has produced some general advice to event organisers and this can be found on the Council's web site. In the first instance an organiser is required to complete an event notification form and risk assessment.

For more complicated or very large events an organiser may be invited to attend a meeting with the SAG. Applicants for events requiring a premises licence would be expected to make contact with the SAG at least six months before the event date. Failure to consult with the SAG properly and in a timely fashion is likely to result in the application receiving a relevant representation from a responsible authority. If any issues of concern remain outstanding at the time of a hearing this might result in an adjournment or even a refusal of the application if the sub-committee is not satisfied that any adverse impact on the licensing objectives has been properly addressed.

3.65 Given the complexity and scale of large events it is normal practice to produce an Event Management Plan (EMP)...."

"3.66 For the purpose of an application for a premises licence the EMP can be the operating schedule. The Act requires the Licensing Authority to issue the licence with conditions consistent with the operating schedule accompanying the application. Paragraph 10.7 of the Statutory Guidance states that 'consistency means that the effect of the condition should be substantially the same as that intended by the terms of the operating schedule.' Applicants should bear this in mind when drafting their EMP so that the premises licence is prepared with clear and enforceable conditions attached to it."

In relation to the event for 2023, the Licensing Authority would consider this a large event. I am aware that the applicant has notified the Safety Advisory Group in good time on this occasion and the Risk Assessments and Event Management Plan that have been produced set out how factors that could potentially cause public nuisance or risks to public safety will be addressed, such as having a noise management plan in place, provision for litter picking, provision for security, stewards and CCTV. However, I note that the operating schedule makes no specific reference to the preparation or compliance with an Event Management Plan.

The conditions proposed by the applicant in their operating schedule also make no reference to compliance with notifying the Licensing Authority of future events, allowing adequate time for the Safety Advisory Group to be consulted should the event require it.


It is the recommendation of the Licensing Authority that should this application be granted, the following conditions should replace those proposed on the applicant's operating schedule:

- The dates of any event will be notified to the Licensing Authority at least three months prior to the event or a lesser period as agreed by the Licensing Authority.
- The Premises Licence Holder shall present the Event Management Plan (upon request) to authorised officers at least 28 days before the first event day. The Event Management Plan shall include but not be limited to the following:-
 - a. Nature & style of the event, including crowd profile
 - b. Capacity and expected audience

- c. Event programme & advertising
- d. Communication strategy
- e. Site and location plans
- f. Management structure
- g. Special effects
- h. Campsite safety and security (when on site)
- i. Emergency evacuation plan
- j. Medical plan
- k. Information and welfare
- l. Safeguarding children and young people and age controls
- m. Transport and traffic management plans
- n. Food, drink and water provision
- o. Waste management
- p. Working at height
- q. Animal welfare
- r. Noise management planning and controls
- s. Temporary demountable structures
- t. Fire risk assessment
- u. Electrical safety
- v. Welfare and sanitation plan
- w. Extreme weather and contingency plans
- x. Waste management
- y. Crowd management
- z. Emergency procedures
- aa. Barriers and fencing
- bb. Entry search and eviction policy
- cc. Alcohol and drugs policy
- dd. Counter terrorism


• So far as is reasonably practicable, the licence holder shall ensure that the event is run in accordance with the Event Management Plan.

Yours sincerely



Catriona Crelling
Senior Licensing Officer

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| | |
|---|--|
|  | <p>ENVIRONMENTAL HEALTH Housing and Regulatory Services</p> <p>Directorate for Planning, Growth and Sustainability</p> |
|---|--|

CONSULTATION for a PREMISES LICENCE APPLICATION

| | |
|---|---|
| [Redacted] | |
| OUR REF: 23/00621/PLAN | DATE: 21 st April 2023 |
| ADDRESS: Burnham Park Windsor Lane Burnham | To: licensing@buckinghamshire.gov.uk From: alison.king@buckinghamshire.gov.uk |

Environmental Health acknowledge receipt of the application for a Premises Licence and associated documents received from Buckinghamshire Councils Licensing Authority.

The application has been reviewed and Environmental Health have no comments to make or raise any objections in relation to the four licensing objectives.

With regards

Alison King B.Sc (Hons) REnvH MCIEH
Environmental Health Practitioner
Environmental Protection
For Housing and Regulatory Services

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Brian Whittal

From: [REDACTED]
Sent: 04 May 2023 10:58
To: Brian Whittal
Subject: Re: [EXTERNAL] Licensing more info Octoberfest

Follow Up Flag: Follow up
Flag Status: Completed

Brian

Thank you for this information - and I am happy to see there has been serious consideration to noise impact to neighbours

However - per the attached diagram - it appears the organiser and/or environmental team are not aware of the 4 residential properties indicated (of which I am one) so my objection still stands as I believe additional sound checks are required on the north side of the park - in the area circle on the attachment

Regards

[REDACTED]



On 2 May 2023, at 09:15, Brian Whittal <Brian.Whittal@buckinghamshire.gov.uk> wrote:

Morning,

The stage is shown as broadly north east facing. Colleagues at Env. Health who are the lead agency for preventing a public nuisance have responded that they do not object to the application.

I have this morning received the latest noise management plan from the organisers, as attached. I would be grateful if you could review this document and then let me know if you wish to withdraw your objection to the licence application. Or if your objection is to remain?

Thank you

Regards,

Brian Whittall
Licensing Officer
Communities Directorate
Buckinghamshire Council

Tel: 01494 421346

Email: Brian.Whittall@buckinghamshire.gov.uk

Address: The Gateway, Gatehouse Road, Aylesbury, HP19 8FF

From: [REDACTED]
Sent: 28 April 2023 10:54
To: Brian Whittall <Brian.Whittall@buckinghamshire.gov.uk>
Subject: [EXTERNAL] Re: Licensing more info Octoberfest

Thanks Brian

Yes - I have the info I need - although I did comment that I'd like to know more detail about the location of the tent for the event and - more specifically - the direction of the sound system within the tent.

At a previous event - not sure if same organisation - the speakers were directed towards our property (there are other directions with less impact) and the base was so loud it could be heard above our TV

I did record this comment on the application and will to provide more details if required at review time

Regards
[REDACTED]

On 27 Apr 2023, at 12:19, Brian Whittall <Brian.Whittall@buckinghamshire.gov.uk> wrote:

[REDACTED],

Did you find the details you needed from the public register? [PR Search Results \(force.com\)](#)

Regards,

Brian Whittall
Licensing Officer
Communities Directorate
Buckinghamshire Council

Tel: 01494 421346

Email: Brian.Whittall@buckinghamshire.gov.uk

Address: The Gateway, Gatehouse Road, Aylesbury, HP19 8FF

From: [REDACTED] >
Sent: 23 April 2023 11:36
To: Licensing Mailbox <Licensing@buckinghamshire.gov.uk>
Subject: Licensing more info

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

To whom it may concern

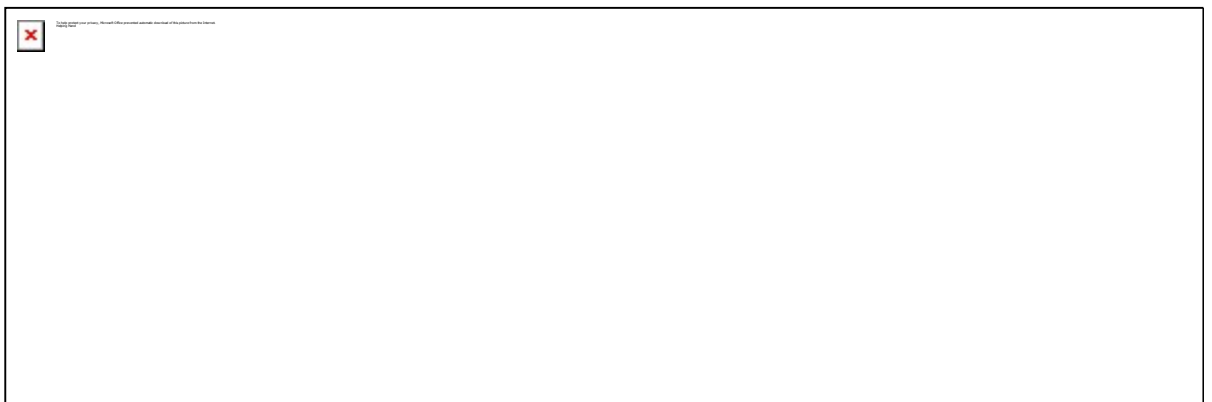
Pls can you let me have more information about the below application
I am unable to see it on your website and scan not get to Aylesbury

Many thanks

[REDACTED]

<image001.jpg>

Sent from my iPhone



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<Noise Management Plan Buckinghamshire Oktoberfest.pdf>



Buckinghamshire Oktoberfest

Noise Management Plan

| | |
|------------------------------|--|
| Event Location | Burnham Park, Windsor Lane, Burnham, Buckinghamshire, SL1 7HR |
| Event Date | Friday 29th September Saturday 30th September Sunday 1st October |
| Organisation | Barbican Events |
| Document last updated | 28 / 04 / 2023 |



| | |
|---|---|
| 1. Event Details | 3 |
| 2. Production Team and Installation | 3 |
| 3. Site Setup & Build | 5 |
| 4. Sound Checks | 6 |
| 5. Neighbour Relations and Noise Complaints | 9 |

1. Event Details

| Day | Start time | Finish time |
|------------------------------------|------------|-------------|
| Friday 29th September | 16:00 | 22.30 |
| Saturday 30th Sept Day Session | 11.00 | 16:00 |
| Saturday 30th Sept Evening Session | 17:00 | 22.30 |
| Sunday 1st October | 13:00 | 20:00 |

Music will be turned off on these finishing times.

2. Production Team and Installation

Focus Sound & Light Ltd.
Chris Griffith - Director
07914 860940
chris@fsl.online
www.fsl.online
01582 414443

Focus Sound and Light are one of London's and the South east region's premier suppliers of sound, lighting and staging for live events and festivals. Focus has a wealth of experience in providing complete production packages and individual specialised services to a wide range of clients and events. From high intensity dance events, including a huge number of festivals with up to 15,000 attendees and live entertainment performances, highly sophisticated corporate functions, awards shows and company celebrations.

Focus will provide a professional sound engineer who will be on site at all times during the event and monitoring the sound periodically.

Rigging and audio installation to the tent

Audio:

- Provide 2 off L Acoustics Kara II flown line arrays to the left and right of the stage.
- Provide a cardioid S18 subwoofer array to the front of the stage.
- To provide flown delay loud speakers suspended from the central truss square to cover the rear and side extremities.
- To provide a stage microphone, monitor and digital mixing package with a small FOH mixing position located in the centre of the tent.
- To provide an audio engineer to mix band monitors and FOH sound.
- To provide an additional radio microphone for compere or announcement use.

Rigging:

- Flown loudspeaker arrays to the left and right of the stage shall be suspended from rigging towers adjacent to the front of the stage.
- Flown delay loud speakers shall be suspended from lighting trusses at high level and shall be aimed, gain shaded and delayed to provide even coverage and to avoid excessive SPL at the front of the audience area.
- Subwoofers shall be positioned near the stage to provide a directional array directing energy towards the audience, but providing substantial cancellation of bass energy to the sides and rear of the array.
- The system as a whole shall be rigged, trimmed and aimed to the precise design produced from simulations and SPL maps provided by the loudspeaker manufacturers proprietary prediction software.

3. Site Setup & Build

The event will take place in a big top black out circus tent which'll have PVC walls on every side, these will act as a noise barrier. The 6m x 4m main entrance will be the only opening and this will be facing north east towards Windsor Lane. During the build, any noise pollution from the build will take place between 8am - 6pm.

To prevent attendee noise pollution as they leave the tent, there will be signs up on the exits reading 'please keep the noise down and respect our neighbours when leaving the premises'.

Sound tests will also be conducted, please reference section 4 of the Noise Management Plan.



4. Sound Checks

The site manager or event manager will take sound checks every 90 minutes in five different locations nearest to the neighbours and around Burnham Park. They will keep record of the following:

- Decibel level
- Reasonable level

Noise test & Decibel limit

We performed a noise test on site on 24th April 2023 between 18:00 and 19:00, representative of a live event period. Readings were taken at each of the 5 positions noted below in residential areas and surrounding Burnham Park. Background levels were taken as a 1minute Leq with A and C frequency weightings. Industry best practice is to ensure that event noise does not contribute more than 6dB to background sound levels between the hours 08:00 - 23:00. Our event times lie within this period hence we have established initial boundary level limits from which internal sound levels within the event space can be calculated.

| Sound Test Locations | Frequency weighting A test Average | Frequency weighting C test Average |
|-----------------------------|---|---|
| Position 1 | 70 dB | 73 dB |
| Position 2 | 69 dB | 72 dB |
| Position 3 | 67 dB | 70 dB |
| Position 4 | 60 dB | 62 dB |
| Position 5 | 60 dB | 63 dB |

See results and initial limits below:

These readings shall be treated as a starting point only with weather, background traffic and numerous other factors affecting the background noise levels and hence reasonable event noise. Active and continuous monitoring during event times will ensure that environmental changes do not expose event noise to nuisance levels with any required changes to amplified sound relayed back to the event sound engineer for immediate implementation.

Taking these readings and applying the Inverse Square Law will give an estimated drop off rate once the sound has reached the 5 test locations. The Inverse Square Law states that the intensity of sound decreases by approximately 6 dB for each doubling of distance from the sound source. Below is the breakdown of the Inverse Square Law and the dB drop off rate compared to the doubled distance away from the source of the sound.

Total Distance From Stage = Doubled distance + previous total distance from sound source

| Inverse Square Law | | |
|-----------------------------|------------------|---------------------------|
| Noise level readings | Doubled Distance | Total Distance from stage |
| 105 dB | 1m | 1m |
| 99 dB | 2m | 3m |
| 93 dB | 4m | 7m |
| 87 dB | 8m | 15m |
| 81 dB | 16m | 31m |
| 75 dB | 32m | 63m |
| 69 dB | 64m | 127m |
| 66 dB | 96m | 191m |
| 63 dB | 128m | 255m |

Comparing the drop off rate from the Inverse Square Law against the distance away from the sound source to the 5 sound locations, this gives an estimated dB reading once the sound reaches each sound location.

| Inverse Square Law | | | | |
|-----------------------------|---------------------|--|---------------------------------------|--|
| Sound Test Locations | Distance From Stage | dB Readings From Sound Source (from graph above) | Average Background Sound Levels (dBA) | Estimated Sound Levels During Event |
| Position 1 | 203m | 69 dB | 70 dB | 70 dB |
| Position 2 | 118m | 75 dB | 69 dB | 75 dB |
| Position 3 | 132m | 69 dB | 67 dB | 69 dB |
| Position 4 | 229m | 66 dB | 60 dB | 66 dB |
| Position 5 | 230m | 66 dB | 60 dB | 66 dB |

Findings show that estimated dB readings will not exceed more than 6dB to background sound levels.



BURNHAM PARK

Key

- 1 Sound check position 1
- 2 Sound check position 2
- 3 Sound check position 3
- 4 Sound check position 4
- 5 Sound check position 5

Oktoberfest tent - not drawn to scale

5. Neighbour Relations and Noise Complaints

Neighbours close the park area will be informed about the event details and timings via a letter in the post. There will be a contact email and phone number that neighbours can send any noise complaints or issues they may have, they will be prompted to include their street name so we can geographically pin point the main area of noise. This way we can technically adjust the directional noise and levels of the speakers.

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