

LICENSING ACT 2003

Sections 17, 18, 19, 19A, 20, 21 and 23 of the Licensing Act 2003 (Hearings) Regulations 2005/44 and Licensing Act 2003 (Hearings) Amendment Regulations 2005/78

NOTIFICATION OF GRANT OF APPLICATION FOR A PREMISES LICENCE WHERE RELEVANT REPRESENTATIONS WERE MADE

PREMISES: FABULOUS FESTIVAL, OAKWOOD FARM, ROWDEN LANE, MENTMORE LU7 0QD

To:

The Applicant – Golden Triangle Enterprises Limited
Any Persons who made Relevant Representations
Any Responsible Authority who made Relevant Representations
The Chief Constable of Thames Valley Police

Take Notice

THAT following a hearing of the Licensing Sub-Committee

ON 05th MAY 2022

BUCKINGHAMSHIRE COUNCIL as the Licensing Authority for the Premises

HAS AGREED

TO GRANT A PREMISES LICENCE SUBJECT TO the mandatory and other conditions set out in Schedules 1, 2, 3 and 4 below.

SCHEDULE 1

Mandatory Conditions

MANDATORY CONDITIONS SPECIFIED BY THE LICENSING ACT 2003

For the purposes of this schedule:

“the Act” means the Licensing Act 2003

“Disability” has the meaning given in section 6 of the Equality Act 2010

“Relevant Premises” has the meaning given in paragraphs (a) and (b) of the definition in section 159 of the Act

“Responsible Person” has the meaning given in paragraphs (a) and (b) of the definition in section 153(4) of the Act (the relevant parts of which are attached to this licence)

Section 19 of the Licensing Act 2003 – Supply of Alcohol

No supply of alcohol may be made under the premises licence –

- a. At a time when there is no designated premises supervisor in respect of the premises licence; or
- b. At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

MANDATORY CONDITIONS SPECIFIED BY THE LICENSING ACT 2003 (MANDATORY LICENSING CONDITIONS) ORDER 2010 AS AMENDED BY THE LICENSING ACT 2003 (MANDATORY CONDITIONS) (AMENDMENT) ORDER 2014

Mandatory Condition 1

1. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
2. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:-
 - a. games or other activities which require or encourage, or are designed to require or encourage, individuals to:
 - i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - ii. drink as much alcohol as possible (whether within a time limit or otherwise);
 - b. provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - c. provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - d. selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

- e. dispensing alcohol directly by one person into the mouth of another (other than where that person is unable to drink without assistance by reason of disability).

Mandatory Condition 2

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

Mandatory Condition 3

1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
2. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
3. The policy must require individuals who appear to the responsible person to be under 18 years of age (or older age as may be specified in the policy) to produce on request, before being served with alcohol, identification bearing their photograph, date of birth and either:-
 - a. a holographic mark, or
 - b. an ultraviolet feature.

Mandatory Condition 4

The responsible person must ensure that:-

- a. where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:-
 - i. beer or cider: ½ pint;
 - ii. gin, rum, vodka or whiskey: 25 ml or 35 ml; and
 - iii. still wine in a glass: 125 ml
- b. these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- c. where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

MANDATORY CONDITIONS SPECIFIED BY THE LICENSING ACT 2003 (MANDATORY CONDITIONS) ORDER 2014

Mandatory Condition 5

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1:-
 - a. "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - b. "permitted price" is the price found by applying the formula –
$$P=D + (DxV)$$
where
 - i. P is the permitted price;
 - ii. D is the amount of duty chargeable in relation to the alcohol as if the duty charged on the date of the sale or supply of the alcohol, and
 - iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - c. "relevant person" means, in relation to premises in respect of which there is in force a premises licence:-
 - i. the holder of the premises licence,
 - ii. the designated premises supervisor (if any) in respect of such a licence, or
 - iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - d. "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - e. "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph (2) would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Mandatory Condition – section 20 of the Licensing Act 2003 – Exhibition of Film

The admittance of persons to an exhibition of a film (including the exhibition of adverts) is to be restricted in accordance with recommendations given either by the body designated under section 4 of the Video Recordings Act 1984 specified on this licence, or by the Licensing Authority itself where the Licensing Authority provides notice to the holder that section 20(3)(b) applies to the film in question. In this case the admission of persons must be restricted in accordance with any recommendation made by the Licensing Authority. For the purposes of this licence the body designated under section 4 of the Video Recordings Act 1984 is the British Board of Films Classification (BBFC).

Mandatory Condition – Section 21 of the Licensing Act 2003 – Door Supervision

Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must–

- (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
- (b) be entitled to carry out that activity by virtue of section 4 of that Act.

SCHEDULE 2

Conditions offered up by the Applicant as part of the Operating Schedule

Supply of Alcohol (On and Off the Premises)

Saturday 12:00 – 22:00

Films (Both Indoors and Outdoors)

Saturday 12:00 – 22:00

Live Music (Both Indoors and Outdoors)

Saturday 12:00 – 22:00

Recorded Music (Both Indoors and Outdoors)

Saturday 12:00 – 22:00

Performance of Dance (Both Indoors and Outdoors)

Saturday 12:00 – 22:00

Opening Hours

Saturday 12:00 – 23:00

The Prevention of Crime and Disorder

- An incident log shall be kept detailing all refused sales of alcohol, complaints or instances of ASB. The record shall include the details of the person recording the incident, the date, time, location and description of each incident and how the complaint/situation was remedied. The record shall be available for inspection at the premises by the police or Local Authority Officers at times whilst the premises is open
- A minimum requirement of Security Industry Authority (SIA) officers will be one SIA officer to every hundred people at the event.
- A written record shall be kept at the premises of the name, date of birth, address and SIA badge number of all security staff employed at the event. This written record shall be made available to police officers upon request.
- The Event Management Plan Crowd Management Plan shall detail the number, position and specific roles of the security and stewarding staff employed by the event.
- All persons entering the event site with a bag shall be searched by SIA security staff. The contents of any bag(s) must be searched.
- Unless otherwise targeting specific groups or individuals, security shall randomly search a minimum of at least 10% of persons entering the site and no more than 10 persons shall enter the site without a random search being conducted.
- All searches shall be carried out by SIA Registered security staff by way of either a full body search or handheld scanners.
- Searches shall only be conducted by SIA Registered security staff of the same sex as the person who is being searched.
- The SIA registered security staff shall wear high visibility jackets and their SIA badges at all times whilst carrying out the searches.
- The SIA registered security staff shall refuse entry to any person who is intoxicated or appears to be under the influence of drugs.
- At least one SIA registered security officer shall be present at each bar/outlet selling alcohol to monitor the consumption of alcohol, levels of intoxication and to prevent drunken and anti-social behaviour.
- The Drugs policy shall be set out in the Security and Crowd Management Plan, both of which are contained in the Event Management Plan. This shall include New Psychoactive Substances, (NPS), and No2/NOS/Nitrous Oxide as well as Controlled

Substances. No2 shall not be permitted on site and any found on entry will be confiscated.

- Lockable Amnesty bins shall be positioned at the entrance to allow people to voluntarily dispose of alcohol or drugs before entering the event.
- Police officers shall be notified immediately of any weapons seized by security staff and the person shall be detained (if possible) by security staff until the arrival of the police.
- CCTV cameras shall be installed at the entrance to the event which shall be maintained in good working order and shall operate at all times when members of the public have access to the site. The cameras shall record full frame head and shoulder images of every person entering the site and be of evidential quality in any light conditions. These images shall be made available to police and Local Authority officers upon request.
- CCTV cameras shall be installed covering all bars operating at the premises. They shall be maintained in good working order and shall operate at all times when members of the public have access to the premises. The images shall be of evidential quality in any light conditions. These images shall be made available to police and Local Authority officers upon request.
- The CCTV equipment MUST have a suitable export method i.e. CD/DVD/USB facility so that the Police and officers of the Council can make an evidential copy of the data they require. This data should be in the native file format to ensure that no image quality is lost when making the copy. If this format is non-standard (i.e. manufacturers proprietary), then the licence holder shall as soon as possible, or within 14 days at the very latest, of being requested supply the replay software to ensure that the video on the CD can be replayed by the Police and Local Authority Officers on a standard computer. Copies MUST be made available to the police and officers of the Council upon request. Material record from CCTV cameras must be retained for 31 days.
- There shall be at least one member of staff present during the permitted hours for licensable activities who is capable and competent to download when requested to do so by police and Local Authority officers.
- All drinks and alcoholic beverages shall be served in either opened cans or polycarbonate drinking vessels. No glasses or glass bottles shall be permitted in the event site. Save that glasses and glass bottles shall be permitted in the designated VIP/backstage area (which area will be agreed with the Police prior to the start of the event) PROVIDED that
 - (i) all VIP/artists permitted in that area are separately identified by specific wrist bands
 - (ii) the area is clearly separated and maintained as a VIP/backstage area with appropriate SIA control of entry thereto

- (iii) members of the public without the appropriate wrist bands shall not be permitted into the VIP/backstage area (for the avoidance of doubt Police officers and Local Authority officers may still enter the area) and
 - (iv) no glassware/bottles are to be removed from the designated VIP/backstage area.
- Crowd Management Stewards tasked with entry lane queue management will wear Hi-Visibility tabards
 - Loudhailers will be deployed at the entrance to assist Stewards in providing information to customers regarding delays and other pertinent information

Public Safety

In addition to the details provided in the Event Management Plan:

- Before erection of a stage takes place a full risk assessment shall be carried out. A written record of each assessment, as well as a method statement, shall be kept on site by the licensee and shall be made available on demand to the police or Local Authority Officers.
- Public liability insurance in respect of the stage and associated equipment shall be in place at all times whilst being erected, used and dismantled.
- The precise capacity of the site will need to be risk assessed, taking into account Covid related regulations applying at the time. The maximum shall be 6000, including staff and security.

The Prevention of Public Nuisance

In addition to the details provided in the Event Management Plan and related policies:

- The organiser's acoustic team shall work closely with Environmental Health in relation to sound levels, and monitoring both in preparation for and during the event.
- A waste management plan shall be drawn up to include a details of the contractor engaged to manage the waste disposal, positioning of the waste and recycling bins around the event, and the procedures in place throughout the day for staff to clear waste across the site car parks camping zones, and neighbouring roads.
- The Applicant shall appoint a suitably qualified and experienced noise consultant who is a member of the Institute of Acoustics and/or the Association of Noise Consultants. The local Authority's Environmental Protection Team shall be advised of the name and contact details of this person/company no later than eight (8) weeks prior to the commencement of the event.

- The Applicant shall appoint sound engineers who will be responsible for adjusting the sound system at the request of the noise consultant, or at the request of the local Authority's Environmental Protection Team, in order to ensure that the noise criteria are not exceeded.
- The Applicant shall ensure that the promoter, sound system supplier and all sound engineers are informed of the sound control limits, and that any reasonable instructions from the noise consultant or local Environmental Protection Team regarding noise levels shall be implemented forthwith.
- The Applicant shall ensure that he/she, the noise consultant and sound engineers are provided with a suitable communication network e.g. mobile phones, radios, etc., in order that they may communicate effectively throughout the entire event.
- A Noise Management Plan shall be submitted to and approved in writing by the local Authority's Environmental Protection Team no later than six (6) weeks prior to the commencement of the event (such approval not to be unreasonably withheld or delayed). The plan shall include:
 - (i) a plan showing the location, stages, and details of the sound systems to be used throughout the event;
 - (ii) comprehensive sound level predictions at noise sensitive locations based on the type of event proposed at the licensed premises;
 - (iii) specify the appropriate noise criteria that shall be achieved during the event;
 - (iv) a scheme designed to minimise the impact of noise from the event to noise sensitive premises;
 - (v) a plan for monitoring noise levels at agreed locations to ensure that agreed noise criteria are not being exceeded;
 - (vi) details of publicity plan to advise local residents about the event;
 - (vii) details of a complaints phone number for residents that must be staffed during the operational hours of the festival;
 - (viii) a complaints handling procedure;
- Any additional requirements or conditions specified in the approval issued by local Council's Environmental Protection Team shall be incorporated into the noise management plan.
- The music noise level must not exceed 65dB(A) over a 15 minute period at one (1)metre from the façade of any noise sensitive premises during the operational hours of the festival.
- The music noise level shall not exceed 70dB at 63 and 125Hz at 1km or further from the event during the operational hours of the festival.

- A list of contact names and telephone numbers for the noise consultant and premises licence holder and other nominated persons shall be provided to the Licensing Authority no later than seven (7) days prior to the commencement of the event.
- A final report shall be provided to the Local Authority's Environmental Protection Team no later than thirty-one (31) days after the event, detailing the noise survey results and the results of the noise monitoring carried out during the event, indicating whether or not compliance to all noise criteria was achieved.
- A waste management plan designed to minimise the impact of litter associated with the event must be submitted to and approved by the Licensing Team no later than six weeks prior to the commencement of the event. The premises licence holder shall ensure that the measures agreed in the plan are fully implemented.

The Protection of Children from Harm

- No unaccompanied children under the age of 18 will be permitted on the Licensed Premises.
- A Challenge 25 proof of age scheme shall be in operation at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as driving licence, passport or proof of age card with the PASS hologram.
- A dedicated welfare and vulnerability team shall be appointed with responsibilities which specifically include the welfare of children at the event. There will also be a lost children area, manned by an enhanced DBS verified person or persons.
- All bar staff shall be given training in relation to the Licensing Act 2003 and the following specific areas:
 - a) The Licensing Objectives
 - b) The Challenge 25 Policy
- All staff shall receive training regarding the procedure for dealing with vulnerable persons.

SCHEDULE 3

Conditions necessary to promote the Licensing objectives and agreed in response to the representations made

The final Event Management Plan will be submitted to the Licensing Authority, Thames Valley Police and Environmental Health Department at least 21 days before the event. Any change(s) to the Event Management Plan within one month (28 days) of the day of the event which is on the 27th of August 2022, must be notified in writing to the Licensing Authority and Police

Licensing Officer(s) as soon as reasonably practicable. The change(s) shall have no effect until written agreement to the changes is received from both the Police and Licensing Authority. The Police and Licensing Authority shall not unreasonably withhold or delay consent.

The licence may only be used for the specified event on Saturday 27 August 2022.

The proposed capacity for the event will form part of the Event Management Plan notified to Licensing Authority, the Police and Environmental Health, but in any case will not exceed 6000 including staff and security.

So far as is reasonably practicable the Premises License Holder shall ensure that the event is run in accordance with the Event Management Plan.

SCHEDULE 4

The applicant is to submit a new premises licence plan removing the pedestrian route from Cheddington station to the site.

Reasons for the Panel's Decision

In reaching their decision the Panel carefully considered the written representations and oral submissions from Interested Parties together with oral submissions from the Applicant at the hearing.

The Panel were sympathetic to the objections raised by the Interested Parties in relation to the licensing objective of public nuisance, however the Panel noted that the Police, as the experts in the prevention of crime and disorder and the Environmental Health Authority, as the experts in the prevention of public nuisance in respect of noise complaints had raised no objection to the application. The Panel took account of the fact that the conditions offered up by the applicant included submitting a Noise Management Plan to the Environmental Health prior to the event for approval.

The Panel took account of the relevant provisions of the Human Rights Act 1998, namely:

- Article 6 – the right to a fair hearing
- Article 8 – respect for private and family life
- Article 1, First Protocol – peaceful enjoyment of possessions.

In all the circumstances, the Panel noted that the Applicant in their organization of the event and their representations to the Panel demonstrated that by allowing the premises licence, the Applicant would promote the four licensing objectives of prevention of crime and disorder, the prevention of public nuisance, the protection of children from harm and public safety.

Any Party aggrieved by the Decision given in this Notice may make a written Appeal within 21 days to the Clerk to the Justices, Wycombe and Beaconsfield Magistrates Court, Milton Keynes Magistrates Court, 301 Silbury Boulevard, Milton Keynes, Buckinghamshire MK9 2AJ.

Clerk to the Licensing Sub-Committee

Sajid Mahmood

A handwritten signature in black ink, appearing to read 'S. Mahmood', written in a cursive style.

Date: 11.5.22