

TEWKESBURY BOROUGH COUNCIL

Minutes of a Meeting of the Licensing Sub-Committee (Licensing Act 2003 and Gambling Act 2005) held at the Council Offices, Gloucester Road, Tewkesbury on Tuesday, 25 July 2017 commencing at 2:30 pm

Present:

Chair

Councillor R E Garnham

and Councillors:

Mrs G F Blackwell and Mrs J Greening

LSB/A.1 ELECTION OF CHAIR

1.1 It was proposed, seconded and

RESOLVED That Councillor R E Garnham be appointed as Chair for the meeting.

LSB/A.2 ANNOUNCEMENTS

2.1 The evacuation procedure, as noted on the Agenda, was advised to those present.

LSB/A.3 DECLARATIONS OF INTEREST

3.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.

3.2 There were no declarations made on this occasion.

LSB/A.4 APPLICATION FOR A PREMISES LICENCE - WITCOMBE CIDER FESTIVAL, PAINSWICK ROAD, BROCKWORTH

4.1 The report of the Licensing and Systems Officer, circulated at Pages No. 1-69, outlined an application for a premises licence in respect of Witcombe Cider Festival, Part Parcel 6568, Painswick Road, Brockworth. The Licensing Sub-Committee was asked to determine the application, taking such steps, if any, as it considered necessary for the promotion of the licensing objectives.

4.2 The Chair asked all parties present to identify themselves and explained the procedure that would be followed by the Sub-Committee. He advised that the Sub-Committee had visited the application site on Monday 24 July 2017 in order to familiarise themselves with the area and he clarified that this was purely a fact-finding exercise with no questions or debate and no opinions had been expressed by the Panel Members. The Licensing and Systems Officer explained that the applicant had applied for a premises licence under Section 17 of the Licensing Act 2003 in respect of Witcombe Cider Festival, Part Parcel 6568, Painswick Road, Brockworth. The application had been received by the licensing authority on 7 June 2017 and was attached at Appendix 1 to the report. A plan of the premises was set out at Appendix B to the report with the covering letter at Appendix C.

4.3 The application had been advertised in accordance with the requirements of the

Licensing Act 2003 and during the 28 day consultation period 34 valid representations had been received from members of the public, attached at Appendix E to the report. In addition, representations had been received from three responsible authorities - Gloucestershire Constabulary, Tewkesbury Borough Council's Environmental Health department and Gloucestershire Fire and Rescue Service - and these were shown at Appendix D to the report. Since the publication of the Sub-Committee papers, Gloucestershire Fire and Rescue Service had agreed four conditions with the applicant and subsequently withdrawn its representation, provided that the conditions formed part of the premises licence, if granted: the organiser would ensure that the main access point was no less than 4.5metres wide; the access route for vehicles would be clearly marked by means of posts and tape; the alternative means of escape in the south-west corner of the festival site would remain accessible at all times and be permanently staffed when the festival was open to the public; and the organiser would assess the firmness of all vehicle routes prior to, and during, the festival and would install trackway if necessary. Additional evidence had been submitted by Gloucestershire Constabulary after the consultation period had ended and therefore this was not part of the report; it was for the Sub-Committee to decide whether to accept that submission. The premises had a current and valid licence which was shown at Appendix D to the report and it was stressed that any decision made by the Sub-Committee would have no bearing on the current licence.

- 4.4 The Sub-Committee was reminded of its obligation to determine the application with a view to promoting the licensing objectives of the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm. In making its decision, regard must be had to the statutory guidance and the Council's own Licensing Policy, as well as the representations made and the evidence provided at the meeting. The Sub-Committee was advised that it could grant the application as requested; modify the conditions and/or timings of the licensable activities; or reject the application in whole or part. If the application was granted in whole or part, relevant mandatory conditions would be included in the premises licence under Section 19 and 19A of the Licensing Act 2003. The Licensing and Systems Officer drew particular attention to Page No. 3, Paragraph 2.1 of the report and indicated that the hours which the premises was open to the public should read: ~~Monday to~~ Friday 16:00 to 00:30 and Saturday, ~~and~~ Sunday ~~and Monday~~ 09:00 to 00:30.
- 4.5 With regard to the submission from Gloucestershire Constabulary that had been received after the close of the consultation, the Chair clarified that the Sub-Committee had decided it should not be taken into consideration on the basis that it was a late submission and it was clearly a significant amount to read. Gloucestershire Constabulary could make verbal representations in relation to the information and expand upon the points made in its submission but the Sub-Committee did not intend to go through the document.
- 4.6 As there were no questions for the Licensing and Systems Officer, the Chair invited the representatives from Gloucestershire Constabulary to present their case as one of the responsible authorities. The Head of Legal Services at Gloucestershire Constabulary explained that the application before the Sub-Committee was different from those which had been dealt with historically. The covering letter submitted with the application, attached at Appendix 2 to the report, made clear the intention to increase the capacity of the event up to 3,000 patrons and to extend the duration of the event; the suitability of both of these were disputed by the Police. If the event was as it had been previously, with a capacity of 1,500 and over two consecutive days, the Police may have had some representations but they would not have been substantive. In their view, the cider festival should be a modest village event and the increase in the number of attendees being sought was a significant problem. Whilst some reference had been made to the Monday, it was intended that the

festival would now run for three days from Friday to Sunday, with 1,500 patrons on Friday and 3,000 patrons on both Saturday and Sunday, meaning the total number of potential patrons over the event would be 7,500. Furthermore, there would be a maximum of 500 support staff and performers in attendance for the three days – another 1,500 people. The Police felt that this was significant and wished to advise the Sub-Committee of the appropriate and proportionate steps to take to preserve the health and safety of those attending. There was also a responsibility to the local residents, many of whom had submitted representations which were included in the report. He noted the quality of the representations provided by persons in the vicinity of the event and he wished to adopt the representations No. 14-33 within Appendix E on behalf of Gloucestershire Constabulary. He indicated that the residential nature of the location and the venue itself were not suitable for an event of this size; the character of the event was inappropriate for the location and appeared to have changed from a local cider festival to something more akin to a music festival; and the evidence from local residents pointed to trespassing, damage, nuisance, noise, crime and disorder, and disruption which would be exacerbated by an event with twice as many people attending. There were various other factors to take into account including the fact that the festival would take place over the August Bank Holiday weekend and extending its duration would give no respite to local residents. Repeated issues over a number of days would impact significantly on those living in close proximity to the premises. In terms of capacity, it was understood that the applicant had considered a lesser figure of 2,500 at some stage, so the rationale behind the intention to increase this to 3,000 patrons was unclear, and it was questionable whether the area was physically able to cater for that number of people. Furthermore, the application had made reference to children being admitted for free with a paid adult ticket and there were questions around how this would be controlled and whether they would be included in the figures. Gloucestershire Constabulary also had serious concerns as to the proximity of the premises site to the A46 which was a major thoroughfare. There would potentially be 3,000 patrons vacating the premises late at night and directly onto the 'A' road and, whilst he recognised there was some planning in terms of locating stewards along the roadway, whether this was actually feasible, and they had the power to prevent people entering the roadway or adjacent premises, was a real concern. He alluded to the plans for buses to collect people from the festival site but felt it was unclear whether this would be adequate or sufficient on a Bank Holiday and whether it would lead to queuing. He clarified that there would be no Police presence on the site for the duration of the festival. In summary, he stressed that the Police did not object to the cider festival per se and there was no issue with the applicant; however, it was considered that this was not the right venue for an event of the size proposed and the expansion of the duration and capacity was significant. Whilst the applicant's attempt to deal with matters through the operating schedule was laudable, the fundamental issue of the proximity of the site to residential dwellings and the inappropriateness of the site for an event of this size was not discussed and could not be addressed by condition.

- 4.7 The Head of Crime Prevention and Licensing at Gloucestershire Constabulary indicated that the applicant had failed to provide a plan in accordance with the conditions of the existing licence. The Legal Adviser explained that revised guidance under Section 182 of the Licensing Act 2003 had been introduced in April 2017 and Paragraph 8.34 of that guidance set out that plans, for written and electronic applications, would not be required to be submitted in any particular scale, provided that they were in a format which was "clear and legible in all material respects", i.e. they must be accessible and provide sufficient detail for the licensing authority to be able to determine the application, including the relative size of any features relevant to the application. There was no requirement for plans to be professionally drawn as long as they clearly showed all the prescribed information. The Chair confirmed that the plan provided by the applicant met the regulations and

was sufficient for determining the application. The Head of Crime Prevention and Licensing at Gloucestershire Constabulary went on to advise that Gloucestershire Constabulary dealt with approximately 200 licensed events each year and the Witcombe Cider Festival was the only one that had been taken to a review and where there were serious safety concerns in respect of the location. The applicant had disengaged with the Police, failing to respond to various emails, and had not produced the monthly bulletin for local residents, which had been recommended by the Sub-Committee at the review hearing in May 2014, or given the residents of Painswick Road 28 days' notice of the event as required by the current licence. Furthermore, there had been no engagement with the Parish Council. A now retired Police Constable had attended the last event in 2016 and had witnessed drunk people walking in the road, urinating in hedges and gathering in large groups on the petrol station forecourt with the two or three stewards in the vicinity doing nothing to address this. This bore no resemblance to what had been promised by the applicant and Gloucestershire Constabulary's concern was not the event itself but the way in which people left the site and the potential danger this could cause to themselves and others. There were other concerns aside from the public safety element and he indicated that advertisements for the event stated that it had been attended by 5,000 people in 2016 yet the existing licence was for 1,500, similarly, it was also being advertised as a three day event but the current licence was for two days. He made reference to 15 incidents connected to the event and pointed out that this was more than any other licensed event in the county, including the much larger 2,000 Trees Festival and Gloucestershire Beer Festival.

- 4.8 A Member questioned when the Police Constable had provided the statement on the 2016 event and the Head of Crime Prevention and Licensing at Gloucestershire Constabulary advised that he had noted it in his pocket book; when asked for information on the event, he had sent an email, dated 6 April 2017, setting out his experience. The Member went on to query whether the 15 incidents were recorded crimes and clarification was provided that two offences had been given crime numbers, one in respect of a lost mobile telephone and another in relation to an assault.
- 4.9 In stating her case, the Tewkesbury Borough Council Interim Environmental Health Manager drew attention to Page No. 37 of the report which set out the representation from the Environmental Health department. This indicated that the noise monitoring data historically provided by the applicant had been insufficient and did not allow Officers to establish compliance with noise conditions. The applicant was therefore requested to provide a more detailed noise management plan which would set out the noise monitoring locations; the duration and pattern of the noise monitoring; details of the equipment used, including calibration details; and the credentials of the person undertaking the monitoring who must be considered competent to perform acoustic measurements. She made particular reference to the fact that, if the festival was to become a four day event as applied for, it would be subject to the Noise Council Code of Practice and she stressed that there was a significant difference between how music noise levels were measured for a three day event compared to a four day event, notably that live and recorded music from an outdoor event should be non-existent after 2300 hours. In response to a query, the Tewkesbury Borough Council Interim Environmental Health Manager indicated that she understood the applicant had been made aware of this prior to the meeting. A Member questioned what action the licensing authority would take in the event that a noise complaint was received whilst the event was taking place. She explained that Tewkesbury Borough Council did not have an "on-call" Environmental Health service and was reliant on the monitoring information provided by the acoustic consultant. Officers worked closely with the event organiser in the lead up to the event so they would be aware of the noise level which could be achieved without breaching the conditions of the licence and could control this at the event. A

Member questioned how important it was for the person undertaking the monitoring to have a degree of independence and was advised that this was extremely important as they would have full responsibility for checking the levels and ensuring they did not exceed what had been agreed. Clarification was provided that monitoring took place one metre from the façade of the nearest noise-sensitive premises.

- 4.10 The Chair invited the applicant to ask questions of the responsible authorities. The Licensing Barrister sought clarification as to whether Gloucestershire Constabulary would always have raised an objection to an application seeking an increase in attendees and this was confirmed by the Head of Crime Prevention and Licensing at Gloucestershire Constabulary. The Licensing Barrister understood that there had been four incidents at the event in 2016, which he believed was an incredibly low number; of those, one had been identified as domestic abuse due to a family dispute, the second had related to a group of rowdy youths at the Co-Op which had not been assessed as a crime, the third had occurred at the Twelve Bells Public House which was 0.5 miles from the festival site and could not be attributed to the event; and, the final incident was the lost mobile phone that had been referenced by the Head of Crime Prevention and Licensing at Gloucestershire Constabulary earlier in the meeting. The Licensing Barrister went on to question whether the crime and disorder level had increased since the licence had been reviewed in 2014 and the Head of Crime Prevention and Licensing at Gloucestershire Constabulary accepted that it had not increased as the Police had anticipated.
- 4.11 The Licensing Barrister went on to seek clarification from Tewkesbury Borough Council's Interim Environmental Health Manager on the noise monitoring process that had been agreed and whether the person who had been appointed to carry this out had discussed these requirements with the Environmental Health Team. She confirmed that this was the case; however, the measurements had not been undertaken at the correct time intervals. Unfortunately, she was new to the authority and was not able to confirm whether this had been taken up with the applicant at any of the debriefings. The Licensing Barrister advised that it was his understanding that it had not been and the applicant was under the impression that the Environmental Health department was happy with the monitoring that had been carried out.
- 4.12 The Chair invited the other parties who had attended the Sub-Committee to make representations. A local resident indicated that he lived within 60 metres of the festival site and had attended the festival since it had started. He had four children ranging in age from three to 19 and had attended the festival in the afternoon with them, returning later in the evening with his wife. In his personal experience he had found the festival to be very family-friendly, despite being apprehensive beforehand. The atmosphere was also very friendly both during the day and at night. There had been a notable high security presence in 2016 which had initially been quite intimidating but, having left and returned to the festival on three occasions, he recognised the importance of the stewards lining the route. Speaking from his own experience, he had not witnessed any untoward acts of violence or trouble and there had been no dangerous or excessive car parking in the estates around the site which could be an issue as in the case of the Cheese Roll - an illegal event in Brockworth attracting over 10,000 people. He indicated that there had been a few empty cans in the bus stop and the music could be heard from outside his property but not when he was inside. The music stopped precisely at 2245 hours, however, concerns had been raised last year about the noise from the fairground rides which had related to their positioning and had been addressed during the course of the event. In his view, the cider festival was a well-attended community event which attracted a lot of people from Brockworth and the surrounding villages and it was professionally organised with an appropriate level of security. He had not experienced any issues to date and saw no reason why the attendance should not

be increased.

- 4.13 A local resident indicated that his house overlooked the field where the festival was held and he had a very different impression to the previous speaker. The majority of people had to disperse past his property and this could be very intimidating for him and his neighbours. In his opinion, it was an unsafe location for the event - the A46 was a dangerous road which saw a number of accidents each year - and the applicant had not complied with the safety aspects of his current licence. The festival caused him a great deal of inconvenience and he experienced anxiety, both in the lead up to the event and during the event itself, so much so that he now tried not to be there whilst the event was taking place. If he did stay at his property he had to deal with the light and noise impact - although the music stopped at the prescribed times, noise did not due to the dispersal of the crowds and the generators of the fairground rides – and if he went away he worried about whether his property would be safe. Whilst he did have a steward on his front drive this was only for the duration of the festival. He had reluctantly come to accept the festival in its current guise and had fought to mitigate the anti-social behaviour that had occurred in previous years such as urinating in driveways etc. but the new application to extend the duration and the number of people was a step too far. He pointed out that meetings should have been held with local residents throughout the year to update them on the plans but only one had taken place. He felt that the applicant contradicted himself and created an atmosphere of mistrust. He saw no need for the festival to run for an extra two days, which would further inconvenience normal life for local residents, and he pointed out that the Council's own guidance referred to the Article 8 of the Human Rights Act which stated that everyone had the right to respect for their family life and home.
- 4.14 A local resident sought clarification as to what a "SAG" meeting involved. The Licensing and Systems Officer explained that this was the Safety Advisory Group which was a forum for the responsible authorities and the event organisers to discuss the event management plan and any particular issues. He confirmed that one SAG meeting had been held to date and another was planned for 27 July; it had been considered prudent to wait to have the meeting after the Sub-Committee as this would have an impact on the plan which would be discussed. He stressed that the SAG had no legal value and was separate from the licensing process so was not part of the application or the proceedings at this meeting. The local resident thanked the Licensing and Systems Officer for his explanation. In expressing his view, he felt that security at the event was well managed by Simms Security Solutions; however, the stewards had no jurisdiction on the main road. Another local resident indicated that she had learnt to live with the event, which had improved over the years, and she echoed the sentiments about the security company employed to oversee the event. Notwithstanding this, she felt that two days was enough and the thought of having to endure the festival for an additional two days was unbearable. She was also anxious on dispersal, particularly as people congregated outside her property waiting to be picked up. In the past, people had bounced on her hedge and damaged property, as well urinating on the gate, and the increase in anti-social behaviour made her feel unsafe in her home. In terms of consultation, she had received a letter from the applicant's Licensing Consultant, dated 24 April 2017, outlining the plans to increase numbers. When the applicant had visited her at the start of the year he had been considering increasing the numbers and opening on the Friday to family and friends. She had asked him on several occasions if this would be extended to members of the public and he had said no. On 4 May 2017 she had emailed the Licensing Consultant to say that she would not be able to attend any meetings due to a family bereavement but this had been misinterpreted by the applicant as not wanting to engage. In summary, she was worried about the increase in numbers and potential anti-social behaviour and she did not welcome the impact it had on the enjoyment of her property as she had

to close windows and could not sit in the garden or have grandchildren come to stay.

- 4.15 It was stated that local residents attending the festival, such as the man who had spoken in favour of the application, had a very different experience to those who did not wish to attend. One local resident was keen to highlight the lack of communication from the applicant - she personally had not been consulted once since the festival began despite living opposite the festival site. The funfair was a particular issue for her as the repetitive noises generated were audible above her television. This was one weekend of the year when her children could come to visit but they could not stay at her house because of the noise. She was scared to go into her garden for fear of what she might find, whether that be people urinating, her fence being broken or cars reversing in her driveway. She had not spoken up much before but felt that four days was too long and she did not have the luxury of being able to go away for the Bank Holiday weekend. Another local resident who lived adjacent to the entrance agreed that this application had gone too far and reiterated that the noise generated by the festival carried on well beyond 2300 hours when the music stopped. He had not suffered any criminal damage but did have a lot of litter thrown over his fence and had experienced people urinating in the side entrance. If the event was only for a few hours he would be more accepting but four days was completely unacceptable to him. A local resident from the same area indicated that she was not affected to the same level as others but she had to "put up" with the festival and strongly objected to the new application. In 2016, she had taken the decision to go away for the duration of the festival but the stress this had caused was considerable. Her biggest issue was the repetitive noise; not just music from the stage but music from the funfair and from the crowd being encouraged to shout and scream. The language used was very colourful and could be heard up and down the road when people were walking to and from the site and they often pushed one another and messed around. The addition of camping would encourage people to party throughout the night and she felt that would occur regardless of whether there was good security in place. Extending the licence to four days would demonstrate a lack of consideration for local residents who would have their entire Bank Holiday weekend ruined.
- 4.16 The Chair of Brockworth Parish Council, who was also a local resident, explained that everyone was concerned about the event being extended over four days and the number of people who would be there; the field was quite inadequate for that number on one day, let alone four. When he had attended the debriefing following the event in 2016, he had asked the Environmental Health Officer whether any noise readings had been taken during the course of the festival and had been informed that was not possible. Clearly Tewkesbury Borough Council did not have the funding or resources for Officers to attend the event and that was unsatisfactory in the Parish Council's view. If the applicant was responsible for noise monitoring, there was nothing to stop him from making up the readings which was ludicrous. The Parish Council was extremely worried about the safety of the whole area and noted that, if there was a major incident on the site, there was only one entrance/exit and 3,000 would spill out onto a road that was very busy and dangerous. As such, the Parish Council objected strongly to the proposal and had provided a written representation on that basis. He had also submitted a representation as a local resident and indicated that he could hear the music from his property, which was some way from the festival site, even with double glazing.

- 4.17 The Chair sought views from the local residents as to which element of the festival

was the most problematic in terms of noise. One local resident indicated that it was variable throughout the day, depending upon the act and their popularity whilst others referred to the constant low level thump from the various bars and DJs; however, the funfair was consistently raised as a particular issue both in terms of the noises the rides generated and people screaming.

- 4.18 The applicant's Licensing Barrister indicated that the issue in respect of a four day event being subject to different noise regulations under the Noise Council Code of Practice had not been raised in writing previously but, having heard from the Council's Interim Environmental Health Manager on that matter, the applicant would be happy to reduce the application to three days i.e. Friday, Saturday and Sunday. The Chair explained that, if the application was granted by the Sub-Committee, the extant licence would still be relevant and that licence could potentially be used to hold the event on the Monday as well so the festival could still end up being four days. On that basis he questioned whether it was the applicant's intention to surrender the existing licence in the event the application was granted. The Licensing Barrister confirmed that the applicant would be happy to surrender the current licence in those circumstances to give assurance that the scenario described could not happen. He clarified that the capacity being sought was for 1,500 on Friday and 3,000 on both Saturday and Sunday.
- 4.19 The Chair invited the applicant to make his case. The Licensing Barrister requested to circulate an A3 plan which was the same as Appendix B to the report but at a larger scale and included measurements. The Chair indicated that this was appropriate and the document was circulated accordingly. The Licensing Barrister explained that the Witcombe Cider Festival was extremely professionally organised and, whilst the applicant was focused on addressing the negative aspects that had been raised through the Sub-Committee, he asked that the positives were not forgotten. It was a fantastic local event and offered a stage for local music acts as well as national performers who attracted music lovers from around the county. The festival was being promoted in that light and he hoped that the licensing authority accepted it that way. Members had heard about the capacity of the site which the applicant had operated the festival from for the past four years, having outgrown its original location. The land was owned by the applicant's family, as were a number of the adjoining fields. Food and drink was widely available at the event and included a number of local ciders which had always been a feature, although it was recognised that the music element had increased over the years. He stressed that the whole site closed at midnight with the winding down process starting at 2330 hours. There were arrangements in place for car parking and he had been told there were no issues whatsoever with parking on the site; the site could accommodate 700 cars but had never been full. On Saturday and Sunday the festival site opened at 0900 hours with music from 1000 hours; this was turned off in the open air at 2300 hours and completely at 0000 hours. The conditions of the existing licence required 20 security guards on site and five patrolling the A46 between 1800 hours and close of the event. A lot of emphasis had been placed on increasing the numbers but he pointed out that 3,000 attendees per day was still very few for a festival and was comparable with the smallest gate at Chelsea Football Club. The whole suite of conditions included in the current licence had been promoted and the covering letter submitted with this application set out a number of additional measures that would add further improvements and protections: the ratio of security would be increased to a minimum of 1 supervisor per 75 patrons in accordance with best practice; the heras fencing between the festival site and the neighbouring properties would be covered with fabric screening material to provide a higher degree of privacy and additional sound attenuation; three double decker buses and one single decker bus would be available on the site from 2100 hours until close on Saturday and Sunday evenings - two buses on Friday - to provide dedicated transport for festival goers; bus fare would be subsidised to

encourage use (£2 per person in 2017) with children under 18 travelling free; stewards would oversee the transport facilities and doorstaff would travel on the buses; the buses would serve two routes – one to Cheltenham Town Centre and one to Gloucester City Centre Bus Station; Stagecoach had agreed to monitor demand and provide additional buses at peak times; a CCTV camera would be installed at the entrance to the site to record visual images of all those attending; temporary signs would be attached to lamp-posts along the Painswick Road asking all patrons to be considerate to residents and keep noise levels low; and the overflow car park would be utilised with extra stewards deployed to this area in order to maintain good traffic flow. Importantly, there was no proposal to extend the festival terms i.e. music and entertainment would continue to cease at 2300 hours and the whole site would close at 0030 hours.

- 4.20 In addressing some of the points which had been raised, the Licensing Barrister indicated that the applicant intended to liaise closely with local residents to maintain good communications and his Licensing Consultant had many years' experience of licensing and was familiar with the Act so he would expect a professional approach. A number of representatives had attended the debrief following the festival in 2016 and the applicant had invited the Police to discuss the event in January of this year; it was through no fault of the applicant that this had not happened until June but he was not able to comment on why nothing had happened in the intervening period. He wished to point out that the cost of a standard day ticket was £30, or £50 for a weekend ticket; these were discounted for local residents to £27 and £45 respectively and there was no charge for the carers of disabled festival-goers. If this application was successful, the applicant would be able to offer free tickets to the National Star College. It was noted that approximately 50% of those attending the festival were women and a small number of families with children had attended which the applicant hoped would increase going forward. Clarification was provided that anyone under 18 had to be accompanied by an adult. Of the 378 staff currently planned for the event, the vast majority were local people and everything from the food to the stage was locally sourced. In terms of the late objection raised by Environmental Health in relation to noise monitoring, this had been carried out under the direction of the previous Environmental Health Manager and had been done year on year without challenge. If something else was required then this should be put to the applicant. The Licensing Barrister pointed out that the applicant had brought a number of other representatives who specialised in security, transport and health and safety and could address any queries in relation to those particular aspects of the application. The Licensing Barrister asked the representatives from Rugby for Heroes to give a brief outline of their involvement with the festival and Members were subsequently advised that the main focus of the charity was helping armed forces personnel with the transition to civilian life. The charity was very much reliant on goodwill and the festival offered a significant fundraising opportunity, as well as a platform for raising awareness. The festival had raised £4,500 for the charity in 2016 and aimed to raise £8,000-10,000 this year.
- 4.21 In terms of the capacity of the event, a Member sought clarification as to whether children were included within the 3,000 patrons given the incentive for them to attend for free with an adult ticket. The applicant confirmed that the application was for 3,000 patrons and 500 staff; 50 children had attended the event in 2016 which was expected to rise by 25% so 200 tickets were being set aside for that purpose. The Member understood that tickets for the event were sold in advance and he questioned how the applicant would ensure that he was not in a situation where he had to turn away local people from the event. The applicant advised that he had real-time ticket information so he knew exactly how many tickets had been sold. The Licensing Consultant confirmed that children would be monitored on the door so that security knew how many were on site at any one time. A Member felt that the information provided regarding the close-down of the site had been unclear and

sought clarification as to the timings in the current application and how it would work in practice. The Licensing Consultant explained that amplified music would finish at 2300 hours as it had in previous years. There was a small stage in the beer tent which was used by local acts with acoustic guitars and that tended to continue until the crowd dissipated as it helped with dispersal; this was very low level and would be inaudible to noise sensitive properties but the cut off for this was 2330 hours in any case. The site would be empty by 0000 hours although the licence was until 0030 hours.

- 4.22 A Member noted that the applicant had invited the Police to a meeting in January and he questioned whether the Police had responded. He also queried why this application had been made at such a late stage, having been submitted in June, less than two months before the event. The Licensing Consultant advised that a meeting had been held with the Gloucestershire Constabulary Licensing Manager in January where the plans had been outlined in terms of expanding the capacity and extending the duration. He had been open to discussion and further meetings and had undertaken to engage a SAG meeting which had not happened until five months later; he stressed that this had been set up by the Police, not the applicant. The applicant had met with the two closest neighbours to the site in January and April and the Licensing Consultant had been involved in email conversations with them and other residents prior to the application being submitted. He had offered to meet with them to discuss the details but one of the neighbours had been working away and the other had not wished to meet without the Police being present.
- 4.23 A Member sought further information regarding the buses which would be operating at the festival. The representative for John Dix Transport explained that it was a family owned minibus and coach hire company based in Gloucester carrying out school contract work, corporate work, travel for sports events and concerts and stag and hen parties. The applicant had contacted him several months ago regarding transport provision for the event following which he had carried out a site visit and recommended the services which could be provided. Safety was paramount and he required a Security Industry Authority (SIA) qualified security guard on board each bus to protect the passengers and the driver. Taking into account load and despatch times, he felt that three double decker buses and a single decker bus would be necessary to ensure that the first bus was back as the last one was leaving and he indicated that there was scope for bus stops to be incorporated on route. The arrangement he had with the applicant was fluid in that if there were five passengers left on the site the bus would still come back for them. With regard to the involvement of Stagecoach, the applicant advised that he had spoken to the Operations Manager at Stagecoach Gloucester who would monitor the numbers using the No. 61 service and would have a driver on standby if needed. A Member questioned whether three buses would be on site at any one time and was advised by the representative for John Dix Transport that this was what the applicant anticipated would be needed; however, it was unclear how many people would actually require transport home. The buses could all enter the field at the same time and wait, or despatch from the yard could be staggered if there was a need to reduce the number of vehicles on site. Access to the site and the exit road would need to be fully marshalled and areas must be coned off so that the vehicles could enter the site in non-pedestrian areas until the engines were turned off. This would need to be managed by fully qualified staff in high-visibility jackets in order to ensure that buses entering or exiting the site caused no danger to pedestrians and motorists.
- 4.24 A Member sought further detail of how a clash between the buses and pedestrians would be avoided, particularly given that people would have been drinking at the

event and may not be as careful as usual. The representative from John Dix Transport provided assurance that he operated at numerous events where people were intoxicated and where buses had to be driven onto fields; the crucial factor was how it was managed by the people on the ground. He would not do the job unless there was a team of people on the site to manage the flow of pedestrian traffic. He reiterated that he had visited the site and there was more than enough room for the buses to access the site, turn around responsibly and park up, provided that there were coned off areas exclusively for the buses. He was otherwise satisfied that the site was suitable and that his staff could get in and out of the site safely. The applicant's Health and Safety Adviser confirmed that the traffic management plan for the event stated that an area would be cordoned off with heras fencing and stewards and security staff wearing high visibility jackets would be fully briefed on how to control the flow of pedestrians. The lampposts along the main road illuminated the site so lighting was sufficient and he was of the view that the transport requirements that had been outlined could be comfortably achieved with minimal risk to pedestrians on the road or entering/leaving the site.

- 4.25 A Member questioned how it was intended to deal with "pre-loading" whereby people drank alcohol before they got to the event. The representative from Sims Security Solutions advised that this had been an issue with a handful of people the previous year and they had been turned away as they would at any licensed premises. Another Member noted that several local residents had raised concern about people urinating in hedges and she questioned how that would be addressed. He explained that during the festival there would be five or six security guards situated along the A46 with a further 10 at 2300 hours. The whole team along the road made sure that people stayed out of the houses and he pointed out that urinating in hedges had not been raised as an issue at the residents' meeting following the festival in 2016. Whilst he could not comment on what happened beyond the A46, he provided assurance that there were more than enough security staff on that road and they were very vigilant. In response to a query as to whether any Police naturally patrolled the area around the festival site, the Head of Crime Prevention and Licensing at Gloucestershire Constabulary clarified that there was no Police involvement in the event and no Officers would attend the site, although some may be positioned at the Cross Hands at midnight.
- 4.26 A Member questioned whether camping was still required and the applicant confirmed that he had reluctantly agreed to remove this element of the festival at the licence review in 2014 but it was something he would very much like to reintroduce. He clarified that this would be luxury camping e.g. yurts, hot showers etc. but, due to availability, he had no intention of introducing it this year. The Member queried whether people would be able to bring their own tents as well and the proximity of the proposed campsite to the residential housing. The applicant explained that it would be located as far from neighbouring properties as possible. The luxury camping he wished to offer would be priced accordingly so it was unlikely that people would buy a camping ticket to erect their own tents. In response to a query as to how behaviour on the campsite would be monitored, the applicant indicated that he currently had a very strong overnight team, even without the camping element, so he was confident that any bad behaviour could be controlled. The representative from Sims Security Solutions advised that security dogs had been present on the site over the last few years - fortunately they had not been used but they would be on site 24 hours per day and could be a useful back-up if incidents arose overnight.
- 4.27 A Member sought clarification as to who currently carried out noise monitoring for the festival. The applicant indicated that this was carried out by an SIA badged

security guard, although he stressed that he was employed solely to undertake noise monitoring at the festival and not in a security capacity. Both himself and the person responsible for the noise monitoring had been trained by a Tewkesbury Borough Council Environmental Health Officer who had since left the authority and, in the first year, he had accompanied them to ensure it was done correctly. He confirmed that the same guidance had been applied every year since with the meter readings taken as they had been shown and recorded on the form designed by the Environmental Health Officer. Another Member questioned whether it was possible to buy noise limitation equipment for the stage which would cut-off the music if it became too loud. The applicant's Licensing Consultant recognised that this could be useful in certain circumstances but, unfortunately, it would pick up all noise including the funfair, crowd etc. as opposed to just the speakers. The applicant confirmed that the staging system used state of the art technology and the noise could be inaudible when stood at the side; however, fairground music was unlicensable. The Sub-Committee recognised that noise monitoring must be carried out by an independent, accredited professional and sought assurance that this would be addressed going forward. The Licensing Barrister indicated that, whilst the person currently undertaking the noise monitoring was not a member of the Institute of Acoustics, he was SIA badged and a responsible person; employing someone from the Institute of Acoustics would be an additional cost which the Sub-Committee may or may not consider to be reasonable to introduce as a condition of the licence.

- 4.28 A Member noted the strength of feeling amongst the local residents in respect of extending the duration and capacity of the event and questioned the justification for doing so. The Licensing Barrister explained that the event had reached capacity in 2016 and had resulted in people being admitted on a "one-in/one out" basis. It was unclear how popular the festival would be this year but it seemed sensible to build in additional capacity to allow for growth in future years to prevent the need to apply for a new licence, or a variation, each year. The applicant indicated that he had felt terrible having to turn away families from the local community and he did not want to be in that position again. Demand for tickets this year had been outstanding, with people asking about the event as early as Christmas 2016, and he was confident that the 3,000 capacity would be reached; he confirmed that 1,700 tickets had been sold online to date and those were a combination of day and weekend tickets. In response to a query, Members were informed that the festival tended to peak at around 1600 hours on the Saturday.

- 4.29 The Chair invited the local residents to ask questions of the applicant. In response to a query as to whether the position of the stage had been changed, the applicant confirmed that it would be in the same location it had always been. The position of the fairground had been tweaked over the years and this would be reviewed going forward to see if it could be further improved. A local resident sought clarification as to the number of households within 500 metres of the festival site that the applicant had approached directly. The applicant's Licensing Consultant explained that a newsletter had been circulated by the applicant to every household up and down the main road and there had been email correspondence with at least three households most affected and one other resident. The local resident confirmed that he had met with the Police in January; the applicant had indicated that he would meet with him but this had not happened until April. His notes showed that completely different figures and assurances had been given at that meeting to those given today. He had specifically asked to be kept informed, which the applicant had undertaken to do, but he had not heard about the new application in its totality until the papers had been published. In his view the communications had been muddled, confused and indirect which led to discontent and mistrust; whilst his intentions may be good, the applicant's actions came across very differently. The Licensing Consultant pointed out that the local resident had made it very clear that he would object to any increase in capacity and that there was no room for dialogue. He reiterated that a

face to face meeting had been offered but the local residents invited had been unable to attend.

- 4.30 A local resident sought further detail as to where the buses would be parked and where they would turn in the field. The applicant confirmed that they would enter the field through the seven metre opening at the entrance and would turn in the designated 50 metre exclusion zone before parking outside the area in a safe place as directed by the SIA stewards. He stressed that the exclusion zone would remain in place but would open and close to let the buses through. A plan showing the proposed bus route into the site was circulated for information and the representative from John Dix Transport confirmed that there would be substantially more room than needed in his professional opinion. The local resident raised concern that people would be loaded into the buses in the exclusion zone and clarification was provided that this was absolutely not the case; the buses would only go into the exclusion zone to turn.
- 4.31 Another local resident noted that the applicant intended to provide security staff at a ratio of 1:75 and he questioned whether they would all be supplied by Sims Security Solutions. The representative from Sims Security Solutions explained that, in 2016, it had initially been intended to have 25 security guards in accordance with the condition of the licence but in the weeks leading up to the event this had been increased to 35 purely as a precaution. He had spoken briefly to the applicant about further increasing this to 45-50 if the licence was extended. He provided assurance that the applicant did not scrimp on security and he would only undertake the work if he felt that the levels were adequate. He confirmed that official guidelines would be followed in terms of working hours and rest breaks etc.
- 4.32 The Chair invited the responsible authorities to ask questions of the applicant. The Head of Crime Prevention and Licensing from Gloucestershire Constabulary queried why the festival had been advertised as a three day event when the licence was currently for two days and whether this was based on an assumption that the application would be granted. The applicant explained that the number of tickets sold was in accordance with the conditions of the existing licence. Whilst the festival did have pages on Facebook and Twitter, he had full control and had never posted anything about the Friday night - he certainly did not take for granted that a licence would be approved on that basis. Notwithstanding this, he did need to promote the festival in order to attract high quality caterers and suppliers who would not be willing to provide their services for an event akin to a village fete. The Head of Crime Prevention and Licensing went on to indicate that he had spoken to the representative from John Dix Transport prior to the meeting and he had agreed that it would be necessary to approach the site from the Painswick direction in order to ensure safety. The representative from John Dix Transport clarified that the Head of Crime Prevention and Licensing had arrived at his depot unannounced, when he had not been fully briefed on the proposals, and he had therefore advised him that he would look into the safety aspects. Since that time he had visited the application site and was satisfied that there would be safe access from either direction. He reiterated that safety was paramount and if he had any concerns in that regard he would not accept the job. In response to a query as to whether he had been instructed to follow the No. 10 bus route, the representative from John Dix Transport felt that this was of no particular consequence as the specifics of the route could be amended to suit all parties – if the buses were required to follow that route then they would do so. The primary objective was to get the buses to the centre of Gloucester, and into Cheltenham, so that people could make use of the ongoing transport network. It had been suggested that a couple of drop-offs could be made in the proximity of the bus station and he was happy for additional stops to be incorporated on route. It was noted that the Head of Crime Prevention and Licensing had questioned what action would be taken in the case of the site being waterlogged and the representative from John Dix Transport had advised that, if

there was a substantial period of heavy rainfall in the lead up to the event, it may not be safe to take a 12 tonne vehicle onto that surface; however, there was a wide range of temporary tracking available which would overcome that. He pointed out that, if there was substantial rainfall, this would also create difficulties for the rest of the event as heavy vehicles were required to transport and erect the staging, lighting, funfair etc. so that provision would be needed for all entrances to the site. In response to a query as to what research had been done to suggest that the buses would be required, the Licensing Consultant explained that this was the first year the buses would be used so demand was unknown but the applicant was trying his best to ensure that the event was a success and that those attending the event were able to get home safely. It was hoped that there would be a good take-up as this would reduce the number of pedestrians leaving the site.

- 4.33 In summing up for Gloucestershire Constabulary, the Head of Legal Services indicated that he had listened carefully to the debate and still had a number of concerns which he wished to reiterate. Increasing the capacity from 1,500 to 3,000 and holding it across three days as opposed to two was still a significant increase compared to previous years and this did not seem to be based on any established need. The festival had been pitched as a community event but now seemed to be growing into something rather different in nature. The location was inappropriate for the number of people who would potentially be attending, given the residential surroundings, and it was the view of Gloucestershire Constabulary that an alternative site should be found for the event. In terms of the duration of the event, it was noted that the applicant had offered to reduce this from four to three days on the basis of the advice given regarding noise constraints; it was felt that the applicant should have been aware of this in advance of the meeting. There was real concern about people vacating the site which would not be mitigated by the buses; as people from the local area would walk, as they had done in previous years, and the security staff had no power to intervene if there were any issues. For all of those reasons, the application should be refused.
- 4.34 The Licensing and Systems Officer clarified that, if the licence was granted in full or in part, relevant mandatory conditions would be included in the premises licence. Any conditions in the operating schedule which were superseded by conditions imposed by the Sub-Committee would be replaced by the new conditions. In addition, it should be borne in mind that, whilst the SAG was not a statutory part of the process, it was very important for the organiser of the event to attend any debriefing relating to the event. He sought clarification as to the maximum alcoholic volume of the ciders which were sold at the event and was advised that the majority were between 4-5% with the strongest at 6.5%.
- 4.35 In his final statement, the applicant's Licensing Barrister emphasised that the festival took place over a single weekend leaving plenty more for local residents to enjoy the tranquillity of the fields owned by the applicant's family; on this particular weekend, the applicant was providing a range of entertainment for the local community which he hoped would be welcomed. The Sub-Committee had heard from the experts brought in by the applicant and he hoped that they had given the correct impression in terms of how seriously the licensing objectives were taken, particularly in respect of public safety. The applicant himself was a professional in another field and organised the event well with the assistance of the Licensing Consultant who was more than happy to speak to the local residents at any time. He understood the concerns of those living close to the event but the role of the Sub-Committee was to balance those views against the unheard majority who attended and thoroughly enjoyed it year on year. The applicant hoped that the event would continue to grow and he did not wish to come back for a new licence time and time again. He recognised that the noise guidelines were more stringent for a four day event and this was something which the applicant needed to be aware of; however, he accepted that it was unwise to pursue that and was happy to reduce the application

to three days. In terms of noise monitoring, the applicant had understood this to be in accordance with the requirements of the existing licence. Whilst he recognised that it must be regulated, he reiterated that a condition to employ a qualified professional to undertake this job would be another cost imposed upon the applicant. The Licensing Barrister indicated that he had difficulty reconciling the strong Police objection given the lack of crime and disorder generated by the event - the Sub-Committee had heard about the circumstances around the four incidents at the festival in 2016, half of which had been proven to be unrelated to the event itself - and pointed out that their focus had been on other issues, such as traffic. He reiterated that the event was well-managed, organised and professional and was an opportunity for the community to listen to live music, performed by national and local acts, with their families and friends. For all of these reasons he hoped that the application would be granted, subject to the modification that had been offered.

4.36 The Chair indicated that the Sub-Committee would retire to make its decision.

4.37 When the meeting reconvened, the Chair advised that, having considered the application, all of the evidence presented, the representations made by all parties, the licensing objectives, the national guidance and the Council's own licensing policy, it was

RESOLVED That the premises licence be **GRANTED** as set out in the attached Decision Notice.

The meeting closed at 8:05 pm

DECISION NOTICE

COMMITTEE: Licensing Sub-Committee (Licensing Act 2003 and Gambling Act 2005)

DATE: Tuesday, 25 July 2017

Premises:	Witcombe Cider Festival, Part Parcel 6568, Painswick Road, Brockworth.
Applicant:	Joseph Pointon.
Application for a premises licence.	
Present:	Councillors Mrs G F Blackwell, Mrs J Greening and R E Garnham (Chair).
Representatives of the Applicant:	Andrew Cook – Independent Licensing Consultant for Easy Licensing. Thinus Delport - Rugby for Heroes. John Dix – John Dix Transport. Alan Lamb - Rugby for Heroes. Jeremy Phillips - Licensing Barrister. Joseph Pointon – Applicant. Dewi Scourfield – Health and Safety Adviser. Darren Simms –Simms Security Solutions.
Responsible Authorities:	Michael Griffiths – Head of Legal Services at Gloucestershire Constabulary. Yvonne Hope – Interim Environmental Health Manager at Tewkesbury Borough Council. David McFarlane – Head of Crime Prevention and Licensing at Gloucestershire Constabulary. Emma McMillan – Licensing Unit, Harm Reduction Department at Gloucestershire Constabulary. Clare Morgan – Community Neighbourhood Policing Sergeant for Gloucestershire Constabulary.
Other Parties Addressing the Sub-Committee:	Mr Jim Hunt – Chair of Brockworth Parish Council and resident of Shurdington Road. Four residents of Abbotswood Road. Three residents of Painswick Road.

SUMMARY OF REPRESENTATIONS

1. Three responsible authorities had made representations in relation to the application: Gloucestershire Constabulary, Tewkesbury Borough Council's Environmental Health Department and Gloucestershire Fire and Rescue Service.
2. Gloucestershire Fire and Rescue Service subsequently agreed four conditions with the applicant for inclusion within the Operating Schedule.
3. 34 valid representations had been received from members of the public: 13 representations in support of the application and 21 representations in objection to the application.

THE APPLICATION

Relevant licensable activities and hours applied for:

Live music or similar activity	Friday	17:00 to 00:00
	Saturday, Sunday and Monday	10:00 to 00:00
Recorded music or similar activity	Friday	17:00 to 00:00
	Saturday, Sunday and Monday	10:00 to 00:00
Performance of dance or similar activity	Friday	17:00 to 00:00
	Saturday, Sunday and Monday	10:00 to 00:00
Late night refreshment	Friday, Saturday, Sunday and Monday	23:00 to 00:00
Supply of alcohol	Friday	17:00 to 00:00
	Saturday, Sunday and Monday	10:00 to 00:00
Hours premises open to public	Friday	16:00 to 00:30
	Saturday, Sunday and Monday	09:00 to 00:30

AMENDMENT TO THE APPLICATION BY THE APPLICANT

Live music or similar activity	Friday	17:00 to 00:00
	Saturday and Sunday	10:00 to 00:00
Recorded music or similar activity	Friday	17:00 to 00:00
	Saturday and Sunday	10:00 to 00:00
Performance of dance or similar activity	Friday	17:00 to 00:00
	Saturday and Sunday	10:00 to 00:00
Late night refreshment	Friday, Saturday and Sunday	23:00 to 00:00
Supply of alcohol	Friday	17:00 to 00:00
	Saturday and Sunday	10:00 to 00:00
Hours premises open to public	Friday	16:00 to 00:30
	Saturday and Sunday	09:00 to 00:30

DECISION

Having considered the application; the evidence provided; the representations made by all parties, including those made at the hearing; the four licencing objectives; the National Guidance; and the Council's Statement of Licensing Policy, it was resolved that the premises licence be **GRANTED** in accordance with the application set out, subject to the following amendments and conditions:

AMENDMENTS AND ADDITIONAL CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AS AMENDED BY THE SUB-COMMTTEE**General**

1. All mandatory conditions to be added to the licence.
2. The hours of the event will be Friday 16:00 to 00:30, Saturday and Sunday 09:00 to 00:30 of the August Bank Holiday weekend.
3. No private camping is to be provided on the site itself, save for pre-booked yurts, or equivalent. Campers must be included within the total number of patrons allowed on the site.

Public Safety

1. There shall be a capacity of 1,500 attendees at the event at any one time (which includes staff and performers) on Friday. On Saturday and Sunday no more than 2,250 patrons shall be permitted at the event at any one time; additionally total staff and performers shall not exceed 500.

Prevention of Crime and Disorder

1. A minimum ratio of 1 door supervisor per 75 customers shall be employed on the site between the hours of 20:00 and 00:00 on all event days.
2. There must be a 24 hour security presence on the site; this is extended to the camping site for the duration of the event.

Prevention of Public Nuisance

1. A detailed noise management plan must be provided which will set out how the applicant is going to ensure that throughout the event the Music Noise Levels (MNL) does not exceed 65dB(A) over a 15 minute period at 1 metre from the façade of any noise sensitive premises. This includes inaudibility of music noise between the hours of 23:00 and 09:00 (as detailed in section 3 of The Noise Council Code of Practice on Environmental Noise Control at Concerts). The plan must identify the noise monitoring locations; the duration and pattern of the noise monitoring throughout the event; details of the noise monitoring equipment, including calibration details; and the credentials of the persons undertaking the monitoring – this must be a member of the Institute of Acoustics, or equivalent body.
2. There will be no operating fun fair on the Friday night and no dodgems on any day.

CONDITIONS CONSISTENT WITH THOSE RECOMMENDED BY THE RESPONSIBLE AUTHORITIES AND AGREED WITH THE APPLICANT

1. The organiser will ensure that the main access point is no less than 4.5 metres wide.
2. The access route for vehicles will be clearly marked by means of posts and tape.
3. The alternative means of escape in the south-west corner of the festival site will remain accessible at all times and be permanently staffed when the festival is open to the public.
4. The organiser will assess the firmness of all vehicle routes prior to and during the festival and will install trackway if necessary.

The Sub-Committee also sought the following undertakings from the premises licence holder:

1. That, if this licence is accepted, the premises licence holder will surrender his existing premises licence.
2. That the premises licence holder will hold a public engagement exercise, to which the Parish Council should be formally invited, to brief the community on plans for the subsequent festival at least three months prior to the event.
3. That the premises licence holder will facilitate a follow-up meeting with all interested parties within one month following the last day of the event.

REASON

The Sub-Committee recognised that the applicant had the benefit of a good track record for the operating of the event over the last few years and that the residents themselves were happy with the security measures provided at the event by Mr Simms and his team. The Sub-Committee noted that Mr Simms stated that there was always a 24 hour security presence at the site but, when looking at the conditions, the Sub-Committee noted that this was not a condition of the licence and they decided that it should be added to reassure residents.

The Sub-Committee noted that the Police raised a lot of issues of public safety in relation to the proposed use of buses by the applicant; however, Gloucestershire Highways had had the opportunity to register an objection and attend the meeting and had chosen not to do so. The Sub-Committee had heard from Mr Dix, a transport manager, about how he proposed to deal with the buses at the event and it was satisfied that he would take every precaution necessary to ensure the safety of the public; therefore the relevant licensing objective would be adhered to.

The Sub-Committee had also heard from Yvonne Hope, Interim Environmental Health Manager at Tewkesbury Borough Council, in relation to the necessity for the condition that an independent competent acoustic consultant, who is accredited by a relevant professional body, should undertake the noise level readings due to the fact that, historically, the data provided had been insufficient. The Sub-Committee believed that this condition was a requirement due not only to the representations of Ms Hope, but also those of the residents living within the immediate vicinity of the event and therefore impacted by the noise levels.

The Sub-Committee believed that the introduction of "glamping" would be a positive addition to the festival but was concerned that private camping could get out of hand and should not be allowed. Further camping should only be from the patrons of the event, therefore the numbers should be included with the number of patrons attending the event and there should be a 24 hour security presence on site for protection of the patrons and the residents.

The Sub-Committee was happy to agree to the amendment offered and accept Friday night with 1,500 patrons, including staff, but was concerned about the addition of another evening with a funfair and the associated noise impact on residents. On that basis it decided to impose a condition that there be no operating funfair on the Friday night but otherwise the applicant could operate as applied for. As suggested by the applicant the use of "dodgems" would not be allowed.

The Sub-Committee deliberated for a long time over the number of patrons that should be allowed to the event. It noted that the license as it currently stood allowed 1,500 persons on site per day including the staff. The applicant had stated that there were 378 staff currently but that this could rise to 500 if the application was successful. The Sub-Committee decided to restrict the number of patrons to 2,250 per day, excluding staff of up to 500, because it felt that a fair amount of the mitigation measures proposed were untried and tested and, to allow the number of patrons to go from below about 1,200 (once staff were excluded) on the current license, up to 3,000 patrons (plus staff and an unknown number of children) was a large increase to deal with when the applicant could not evidence experience of controlling that number of people - especially at closing time. Given the public and Police concerns about how people would disperse from the site, the Sub-Committee was mindful of the licensing objectives and felt that, whilst the mitigation measures - especially the buses - should hopefully prove very successful, there were a number of unknowns and the Licensing Authority needed to control numbers until experience showed the mitigation measures worked. The Sub-Committee acknowledged the considerable efforts of the applicant to put in place all the measures proposed and felt these would help address the concerns raised by both the public and the Police.

The Sub-Committee had regard to the Human Rights Act 1990 and the European Convention on Human Rights as well as its duty under the Crime and Disorder Act 1998; however, it found that it had heard no evidence that any persons human rights would be infringed by granting the application, nor was it sufficient to convince the Panel that any significant crime and disorder would be caused by granting the application.

The Sub-Committee noted that there was disagreement on the amount of engagement between the applicant and local residents, and that this was a matter of contention at the hearing, and wanted to clarify that situation. Therefore the suggestion of two public engagement exercises, in advance of and post the event, was felt prudent and necessary.

The Sub-Committee therefore determined that it was necessary and proportionate to apply these additional conditions to promote the licensing objectives of public safety, the prevention of crime and disorder, and public nuisance. In all other respects, the Sub-Committee found that, despite the recommendations made by other parties, the licensing objectives had been satisfied and the conditions imposed on the licence would ensure that the licence would continue to meet those objectives.

All parties were reminded of their right of appeal to the local Magistrates Court within 21 days of the decision.