

BATH AND NORTH EAST SOMERSET COUNCIL

LICENSING SUB-COMMITTEE

Tuesday, 14th July, 2015, 10.00 am

Councillors: Paul Myers (Chair), Mark Shelford and Caroline Roberts

Officers in attendance: Alan Bartlett (Public Protection Team Leader), Michael Dando (Senior Public Protection Officer) and Shaine Lewis (Principal Solicitor and Deputy Monitoring Officer)

20 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the procedure.

21 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

22 DECLARATIONS OF INTEREST

There were none.

23 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

24 LICENSING PROCEDURE

The Chair explained the procedure to be followed for the hearing of the licensing application.

25 APPLICATION FOR A PREMISES LICENCE FOR VALLEY FEST 2015, THE COMMUNITY FARM, DENNY LANE, CHEW MAGNA, BS40 8SZ

Applicant: Mini V Ltd, represented by Daniel Hurring and Luke Hassell

Other Persons: Sally Monkhouse, Mr Keith Betton (Director, Chew Valley Caravan Park), Cllr Brent (Stowey Sutton Parish Council), and Mr and Mrs Harvey, represented by Cllr Vic Pritchard

Responsible Authority: Suzanne McCutcheon (Education and Enforcement Manager)

The parties confirmed that they understood the procedure to be followed for the hearing.

The Public Protection Team Leader summarised the application. He reported that a representation had been received from the Education and Enforcement Manager in respect of the licensing objective of public safety, and that eight representations had been received from local residents in respect of the licensing objectives of the

prevention of crime and disorder and the prevention of public nuisance. He invited the Sub-Committee to determine the application.

The representatives of the Applicant stated their case. Mr Hurring said that he had been employed by Valley Fest to produce an event management plan and to manage the licence application process. He introduced Mr Hassell who would oversee operations on the site.

He said that Valley Fest would be based at Community Farm, Denny Lane. Events had previously held there in 2014 and 2007, which had been well-managed and had attracted 1,000 visitors. This time plans had been drawn to cater for 4,500 visitors, most of whom were expected to come from the South West. Previous events had been held under temporary event notices, but now it was desired to put Valley Fest on a more permanent basis by applying for a premises licence. Planning consent had been granted in January. The event was planned to take place in 5 stages, with the stepped closure of entertainment and refreshment outlets on the site. A traffic management consultant had been employed to produce a traffic management plan and there was a noise management plan, which had been approved by Environmental Protection.

He appreciated that the event would bring a large number of vehicles into the area. He thought that there might be 500 campervans. He had hoped that 500 people would come by public transport, but the local bus service was poor and this estimate had had to be reduced to 300. There would be separate parking areas for campervans and cars. Denny Lane is a single-track lane; a Traffic Regulation Order was in place to control it throughout the event. There would be many improvements compared with last year's event, more fencing and more infrastructure. He regretted that he had been unable to attend meetings of Chew Magna and Chew Stoke Parish Councils to discuss the plans for the event.

The representatives of the applicant responded to questions from Members and the Other Persons.

The Other Persons stated their case.

Sally Monkhouse said that there had been no consultation with residents, and there had been none the previous year. She said that she thought the site of this festival was bonkers from every point of view except that it had a beautiful view. She was extremely concerned about noise: last year residents had been disturbed by intrusive bass music emanating from the event, which had been perceptible even indoors. Sound bounces back from the surrounding hills; the topography of the area amplifies sound. She failed to see how making noise after midnight could be called family-friendly. She felt that all activities should cease at midnight. The event would take place on the last bank holiday before Christmas, when families would want to sit out in their gardens. She felt that the infrastructure in the area was totally unsuited to the number of people expected. The bus service was poor, so most people would have to come by car, yet every access route to the site had pinch points. She was worried about the access to and exits from the car park, which was quite close to Denny Lane.

Cllr Brent said that he supported the event in principle, but had reservations about the numbers involved. The majority of people he had spoken to had expressed

concerns about the potential number of attendees and the timings. Adverse impacts on neighbouring land should be prevented; last year damage had been caused to Mr Harvey's land.

Mr Betton stated his case. He said that his caravan park attracted visitors because it was a quiet rural location. Noise from last year's event had been very loud in the early hours of the morning, and he feared that the impact of this year's event would be even greater, since a larger event would require a larger sound system. He thought that the noise management plan was deficient in terms of the monitoring points and the schedule of noise checks.

Cllr Pritchard stated the case on behalf of Mr and Mrs Harvey. He said that Mr Harvey's farm was immediately adjacent to the event site. Last year when a smaller event was held, a gate to Mr Harvey's field had been completely taken off its hinges. Litter had had been left on his land, and drink cans had ended up in his silage. Mr Harvey was concerned that his cattle would be upset by noise from the event and might escape if the gate was removed again or fences cut. Mr Harvey was pleased with the applicant's offer of the erection of Heras fencing at the boundary of his land and a no entry sign on his gate, but would like the applicant to provide paid, not volunteer, security guards at the boundary of his land.

Suzanne McCutcheon (Education and Enforcement Manager) stated her case. She said that she had made a representation in relation to the licensing objective of public safety because of concerns about access to the event. She felt that the traffic management plan did not demonstrate how the number of vehicles expected could be managed, nor how emergency vehicles would gain access to the site during busy periods. The bus service was very poor.

The parties were invited to sum up.

Sally Monkhouse said that she had not made her concerns about public safety clear in what she had said earlier. A minute's delay of an emergency vehicle could be life-threatening. She again urged that all activities should terminate at midnight.

Cllr Pritchard emphasised Mr Harvey's concern about the consequences of his cattle escaping from his land.

Mr Betton reiterated his concerns about noise.

The Applicant referred to the additional document which he had submitted in response to the representations which had been circulated to Members and the parties. He pointed out that there would be a 24-hour event hotline for residents to report complaints and concerns about noise and other issues. There would be noise monitoring points 1600 metres from the site. He gave an assurance that there would be no access to Mr Harvey's land. He said that he would be happy to reduce the maximum capacity for the event from 4,500 to 3,000, reduce the number of vehicles on site by 600 and reduce the terminal hour for regulated activities by one hour on Sunday. He drew attention to the lack of representations by the police and the fire service. He submitted that the event would bring significant economic benefits to the local community.

Following an adjournment it was **RESOLVED** to grant the application with modifications and additional conditions.

Decision and reasons

Members have today determined an application for a premises license for Valley Fest, Denny Lane, Chew Magna. In doing so they have taken into consideration the Licensing Act 2003, Statutory Guidance, the Council's Policy and the Human Rights Act 1998.

Members are aware that the proper approach under the Licensing Act is to be reluctant to regulate in the absence of evidence and must only do what is appropriate and proportionate in the promotion of the licensing objectives based on the information put before them.

The applicant produced some additional information in relation to the application for the music, arts and food festival which is to be held over 3 days in the Chew Valley. The aim of the event was to provide quality family entertainment and education on the Community Farm, Denny Lane and is produced in conjunction with Yeo Valley, who are interested in supporting local businesses. It was stated there had been previous events in 2007 and 2014, which catered for 1,000 people, but that this year the festival is planned to attract 4,500 people with 5 stages and 5 bars each closing at different times managed by an experienced team.

Whilst in public nuisance terms it was accepted there will be an impact on the locality, it was stated that last year's event did not attract any record of complaint. Regarding this year the applicant had produced a Noise Management Plan in consultation with the Council's Environmental Health Officer aimed at reducing any negative impacts. For example noise limits will be imposed, the noise monitored throughout the event on and off the site and limits adjusted immediately should the need arise. It was also stated that the orientation of the venues and PA systems were to be altered, there will be no unauthorised PA systems on site and security will deal with any noise arising from the campsite. It was further suggested that although inaudibility could not be achieved the steps proposed would reduce the noise to a general hubbub after 23:00 with the closure of the outdoor. The applicant suggested that the hours of regulated entertainment could be reduced if the committee considered it appropriate.

With regard to public safety and traffic management the plan was for 1,300 vehicle movements and a shuttle bus was in place for those wishing to use public transport. Further, a traffic regulation order will be in place to control access and egress to the site and there will be active traffic management of the closure and on site. It was stated that a lot of time and energy had gone into producing a Traffic Management Plan, Event Safety Plan and Major Incident Plan & Evacuation Procedure and talks were continuing with Bristol Water for emergency access over their land if necessary. In conclusion the organisers considered the main issues was access and egress on the opening and closing days but that they had in place a robust plan should an emergency arise. In any event the access road could be cleared using a tow truck and vehicles could use other gates if necessary. It was however suggested that the capacity of those attending could be limited to 3,000 with the vehicle capacity being reduced by 600.

With regards to crime and disorder there is a no drugs policy and a robust Security Plan and Communications Plan to be agreed by Responsible Authorities. With regard to last year's criminal damage issue the applicant suggested conditions as follows: Mr Harvey's land as it borders the festival site shall be guarded by Heras fencing, and an SIA registered member of security staff will be stationed at the entrance to Mr Harvey's land.

The Interested Parties made representations under the objectives of public nuisance and public safety. It was said there had been an absence of consultation, but in any event this was the wrong place due to the highway and topography issues. Last year's smaller event had unacceptable noise levels affecting neighbouring properties and for those in Bishop Sutton, given the peculiar topography, sound travelled and bounced off the surrounding hills. It was stated the application should be refused or if granted limited in its hours, or moved to a more suitable venue. Some concern was raised about last year's event as no noise monitoring was carried out and it was noted that the Noise Management Plan did not contain a schedule of monitoring nor had the monitoring sites been fixed.

The Education and Enforcement Manager made a representation under the objective of Public Safety as access to the event was along a single track lane with two gates off. The only vehicle access to the site is via the Blue gate with access to the parking areas being beyond that gate. There are steep gradients throughout and around the site and access may be hampered in the event of bad weather and the lack of regular public transport. The site and location is therefore considered unacceptable and poses a serious risk to public safety both in the event of an emergency and to vehicles and pedestrians using the lane when leaving the site on Monday.

In determining the application Members took into account all relevant representations, disregarded the irrelevant and noted there were no representations from the police, fire or environmental health services.

With regard to policy it was noted that the Statement of Licensing Policy recognised the need to encourage live music for the wider cultural benefit of the community and that performances of live music had further been encouraged by the Live Music Act. However, Members recognised that licensed premises have a significant potential to adversely impact on communities through public nuisance and were therefore careful to balance the competing interests of the applicant and objectors.

Whilst noting there had been no recorded complaints about last year's event, Members heard that Interested Parties had been affected by noise nuisance and feared this would increase. Members further noted, however, that there was a proposed stepped closure of venues beginning at 23:00 with the outdoor stage and unlike last year all PAs and venues will be orientated towards the hill away from both the lake and village of Bishop Sutton where the majority of Interested Parties were located. Whilst acknowledging there would inevitably be some noise Members considered that the steps set out in the draft Event Management Plan would go some way in furthering the licensing objectives. However, it was considered that to authorise the provision of regulated entertainment to the extent applied for may lead to the likelihood that the objective of the prevention of public nuisance could be undermined, given the event's size, location and duration. Having noted the applicant's suggestion that there could be a reduction in hours, numbers of people

and vehicles, Members resolved to grant the application on a limited basis with additional conditions as appropriate and proportionate, preferring the preventative approach to that of dealing with nuisance and safety rather than an after the event approach which in the circumstances would not suffice. Accordingly the following conditions are imposed to further the prevention of public nuisance objective:

- The capacity shall be limited to 3,000 people attending the event
- The vehicle capacity shall be reduced by 600
- The premises shall have an Event Management Plan agreed by all Responsible Authorities and the Safety Advisory Group for Events.
- The Event Management Plan shall include a Noise Management Plan.
- Noise levels at monitoring points must not exceed 60dB LAeq (over 15 minutes) between 12:00hrs and 23:00hrs.
- Noise levels at monitoring points must not exceed 45dB LAeq (over 15 minutes) between 23:00hrs and 02:00hrs
- The Noise Management Plan shall include the monitoring location points and a time schedule for noise monitoring.
- Event noise monitoring shall be conducted in accordance with the Noise Management Plan.
- A record of all sound measurements shall be maintained and produced at the request of a licensing officer.
- Live and recorded music shall cease on the outside main stage at 23:00hrs Fri-Sun.
- Live and recorded music shall cease in the Tutti Frutti Tent at 01:00hrs Fri – Sun.
- Live and recorded music shall cease at the Tipi Valley Fri – Sat at 01:00hrs and 00:00hrs Sun.
- Live and recorded music shall cease at the Folk Café at 02:00hrs Fri – Sat and 00:00 Sun.
- Live and recorded music shall cease at the Circus Valley at 00:00hrs Fri-Sat and 23:00 Sunday.
- 1 member of SIA registered security staff shall be stationed at the entrance to Mr Harvey's land
- Mr Harvey's land as it borders the festival site shall be guarded by Heras fencing.

With regard to public safety Members impose the following condition.

- An Event Management Plan including a Traffic Management Plan, Event Safety Plan and a Major Incident & Evacuation Procedure shall be agreed by all Responsible Authorities and the Safety Advisory Group for Events.

Members considered in all other respects the application should be granted as applied for together with the mandatory conditions and those consistent with the operating schedule.

Authority delegated to the Public Protection Officer to issue the licence.

The meeting ended at 2.00 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services