

LICENSING AND APPEALS SUB-COMMITTEE

20th June 2019 at 13:30

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillor Mrs. Watson (Chairman), Councillor Wheelton (Conservative Group), and Councillor Richards (Labour Group)

District Council Representatives

A Kaur (Head of Legal and Democratic Services), M Lomas (Licensing Enforcement Officer), F Norman Lomas (Licensing Enforcement Officer) (observer) and R Pabla (Senior Democratic & Electoral Services Officer)

LAS/1 **APPOINTMENT OF CHAIRMAN**

Councillor Watson was appointed Chairman of the Sub-Committee.

LAS/2 **APOLOGIES**

The Sub-Committee was informed that no apologies had been received.

LAS/3 **DECLARATION OF INTEREST**

The Sub-Committee was informed that no declarations of interest had been received.

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/4 **HEARING TO CONSIDER A TEMPORARY EVENT NOTICE (SECTION 105(2) OF THE LICENSING ACT 2003) - LOCKESTOCK FAMILY AND CAMPING MUSIC FESTIVAL, BROUGHTON HEATH GOLF CLUB, BENT LANE, CHURCH BROUGHTON, DE65 5BA**

The Sub-Committee considered an application for a Temporary Event Notice (TEN) under (Section 105(2) Of The Licensing Act 2003) for Lockestock Family And Camping Music Festival, Broughton Heath Golf Club, Bent Lane, Church Broughton, DE65 5BA.

The Licensing Officer (Enforcement) outlined the application to the Sub-Committee and confirmed the application had been received by the Licensing Authority on 6th June 2019. He further confirmed the application was a standard TEN and not a late TEN as suggested by the application form.

At the invitation of the Chairman, PC Gareth Fowler of Derbyshire Constabulary made representations to the Sub-Committee. PC Fowler advised, after considering the notification, Derbyshire Constabulary objected to The Big Weekend Event on the basis it was likely to undermine the four licensing objectives. He stated this objection had not been made lightly and

consideration was given to both the Licensing Act 2003 as well as the Section 182 Guidance.

PC Fowler went on to say the event was described on the notification as being a family music camping weekend with live music over 2 days. He stated the notification went on to outline the licensable activities intended. PC Fowler expressed concern the Applicant was not aware of the licensing activities Derbyshire Constabulary needed to be notified of. He explained Mr Locke would not be supplying alcohol by or on behalf of a club; and therefore would not need a Late Night refreshment licence and that the notification was not a Late TEN.

PC Fowler informed the Sub-Committee whilst Mr Locke had a personal Licence, it could not be assumed he was competent to manage the event safely. He stated the notification referenced in two parts the number of people who would be present at the weekend. When asked to state the maximum amount of people at the event, 450 has been recorded, however the number later referred to was 499.

PC Fowler advised the hours noted on the TEN stated the timings for the proposed licensable activity as 12:00 hrs until 23:00 hrs on each day, Friday, Saturday and Sunday, however this contradicted the event timings given in the description. He went on to say it could be reasonably expected that with alcohol being available for eleven hours each day, there would be a proportion of people who would become intoxicated, which would cause an elevated issue in relation to crime and disorder. He stated this also only took into account the retail sale and could not take into account what people had access to in their tents. He queried how this was going to be managed safely and how many bars there would be.

PC Fowler queried how the site would be secured to manage numbers and prevent people from walking in. He advised the Sub-Committee without proper controls on the access or egress the site could not be secure. He stated this also presented concern of crime and disorder in respect to the security and safety of those attending and theft of personal belongings which all too often happen at these events, as well as the potential for terrorism.

PC Fowler stated the event was described as a family event so it could reasonably be expected that children and young people would be in attendance. He queried whether an age verification policy was being adopted and how young people were going to be protected from harm. He stated this harm could be in the form of access to alcohol, exposure to people under the influence of drink or drugs, dangers on the site such as broken bottles or drugs to give a few. He went on to say, usually the Police would look to put safeguards in place in the form of conditions however; conditions could not be applied in this case. He informed the Sub-Committee only the Licensing Authority could impose conditions to a TEN from the existing conditions of any premises licence or club premises certificate at the venue. He went on to say, in this case there was no premises licence in place in order for conditions to be transferred.

PC Fowler explained the Chief Officer of Police had objected to the TEN on the grounds that to ensure the safety of those in attendance, this festival weekend event should have conditions put in place in order for it to run safely and to uphold the four licensing objectives. He stated the TEN could not have conditions placed onto it therefore, it could not be guaranteed that any of the policies and procedures put forward by the Applicant would be followed. He added, the Police as a Responsible Authority, would not have any conditions to enforce to ensure the four licensing objectives were adhered to.

PC Fowler stated for all intents and purposes the event appeared to be a festival, and in that instance it was unfortunate the Police saw a link between festivals and drugs. PC Fowler advised from a crime and disorder perspective the Police had concerns as to the policies, procedures and safeguards in place to prevent drugs being taken onto the site and policies, procedures and safeguards in place in the event of someone falling ill or appearing to be under the influence of drugs and/or alcohol.

PC Fowler advised Derbyshire Constabulary would expect to see a strict anti-drugs policy from the outset. He informed the Sub-Committee, looking at the advertised event on the internet, there was no information to state there was a zero tolerance to drug possession and use or to indicate that searches will/may be carried out. He went on to say it was unfortunate the Police had seen in recent years too many people attending festivals and tragically dying as a result of taking illegal substances.

PC Fowler stated Lockstock Promotions had approached the Licensing Authority on 25th February 2019 requesting advice for running a music festival for 1000 persons at another location in South Derbyshire. Mr Locke submitted a pre-application, which after some discussion, he decided not to progress with. He advised the pre-application outlined they were expecting approximately 1000 people. PC Fowler put to the Sub-Committee the TEN was an attempt to circumnavigate this process and any conditions they would be subject to. PC Fowler also highlighted when the new location for the event was announced on social media it was stated that it was only the location that had changed, everything else would remain the same. PC Fowler suspected for this reason the Police believed Mr Locke was still expecting an attendance of 1000.

PC Fowler informed the Sub-Committee the event was advertised on social media and therefore in the public domain. He expressed concern there had been no reference to the fact that the event had been scaled down. He advised a TEN only allowed for an event for up to 499 people, including staff and performers. He stated the Chief Officer of Police had concerns the number of people attending the event would exceed the allowed 499 persons, and if that was the case, this would put the public at risk questioning their commitment to be able to uphold the public safety licensing objective. PC Fowler highlighted should that be the case, from a policing aspect Mr Locke could find himself facing criminal charges as well as not promoting the Crime and Disorder objective.

PC Fowler advised a TEN was more appropriate for events such as summer fetes, school fairs, and other low risk events, where the organisers wished to carry out licensable activities. PC Fowler went on to say Derbyshire Constabulary also had concerns about noise nuisance and whilst it was not the Police's area of expertise and representations would be made by the Pollution Control team, the Police being a 24 hour service, would see an increased number of calls in respect to noise. He stated whilst time was taken to deal with these issues it took staff and officers away from dealing with crime and disorder issues.

PC Fowler informed the Sub-Committee, since the notification he had spoken with Mr Locke about the event and Police concerns. He advised Mr Locke had since appeared to 'firefight' concerns and put forward further documentation and policies in an attempt to appease the concerns of the Police as a Responsible Authority. He stated Mr Locke had advised, before the objection, that he was having 24-hour security on site in the form of SIA approved staff from EMS security. However, when PC Fowler spoke with EMS Security he stated he was told they were only instructed in this matter after Police concerns were raised and after Mr Locke had advised they would be present. PC Fowler stated Mr Locke had also put in place an Event Management Plan which was received on 18th June 2019. It was put to the Sub-Committee that if the event was big enough to warrant an Event Management Plan, should it be allowed to go ahead without any additional safeguard in the form of conditions.

PC Fowler stated it may be argued that the measures go some way to promote the four licensing objectives; however the Police believed it was further evidence of the lack of planning and preparation to run such an event. He suggested the festival was larger than suggested in the notification as a small low risk event would not need such measures and again demonstrated the contradictory nature of the information supplied by Mr Locke which led to a lack of confidence in him.

PC Fowler advised the Sub-Committee the steps proposed in the notification did not appear to extend further than those required by law or regulation and did not provide the Police with any confidence that proper regard had been taken to the promotion of the four licensing objectives. He stated there were far too many questions unanswered particularly for a "one off" festival of the size outlined at the location.

PC Fowler stated the onus was on the person notifying the Police of an event to give enough detail to make a decision as to what licensable activities were applied for. It was put to the Sub-Committee that the notification gave unclear and contradictory information as to what the event entailed, the timings applied for, the number of people in attendance and the safeguards that would be in place. PC Fowler finished by stating the Police did not believe the Licensing Objectives were supported and Derbyshire Constabulary made the representation to the Sub-Committee to ask them to issue a counter notice for the event in accordance with section 105 of the Licensing Act 2003.

The Sub-Committee had opportunity to ask questions of PC Fowler and invited the Licensing Representative, the Applicant and the Senior Environmental Health Officer to put questions to him as well.

At the invitation of the Chairman, the Council's Senior Environmental Health Officer, made representations to the Sub-Committee advising that Environmental Health representations related to public nuisance. It was stated noise levels from such an event would be likely to have a significant impact on residents, including sleep disturbance. It was stated if the weather was warm residents would not be able to open windows without the noise being clearly audible. The Officer went on to say the event offered music for 17 hours over 2 days. The Officer stated it was a live music event of significant size and the music included a variety of genres including rock and punk. The Officer stated there was significant potential for such an event to cause public nuisance. The Officer advised there was insufficient detail submitted with regards to how noise nuisance would be prevented. The Officer advised the Applicant had made reference to 75dB however, large scale events such as Bearded Theory only operated to 55dB. The Officer informed the Sub-Committee the Applicant would be unable to do anything about noise complaints on the day.

The Sub-Committee had opportunity to ask questions of the Senior Environmental Health Officer and invited the Licensing Representative, the Applicant and the Derbyshire Constabulary representatives to put questions to him as well.

PC Paternoster queried noise levels and the difference in 20dB. The Senior Environmental Health Officer responded advising 10dB would double the loudness of any noise. He informed the Sub-Committee 75dB would be clearly audible in properties over the television and cause sleep disturbance.

The Chairman invited the Applicant to make representations to the Sub Committee. Mr Locke made reference to the Event Management Plan he had. The Sub-Committee were not provided with a copy of this document and Mr Locke was advised it was not admissible to the Panel at this late stage. Mr Locke informed the Sub-Committee he was considering a premises licence in February for the attendance of 1000 people. Mr Locke advised this was the third event he would be holding. He stated there had been no ticket sales and he had now downsized the event. He advised the premises held festivals there every year and he knew the owner of the golf club.

The applicant stated he had spoken with security prior to the Police. He stated the submitted application went to Matlock in the first instance, and he then submitted a further application. He went on to explain gates at the event would open at 3pm for people to enter the site and set up tents. He advised there would be security on the door and coloured wristbands would be issued. He advised there would be security on the whole site. He stated the stage area itself was in the value of £20,000 and therefore security was required, he also advised there would be 4 marshals on site. He went on to say there would be no traffic in the lower part of the field and made reference to the plan within documentation submitted to the Panel. He spoke of the dB levels for the event

and advised he had never had problems previously, and they would be monitored with proper equipment. He stated there would be one main bar and two horse boxes. He stated there would be four security members on site, as well as health and safety and caterers. Mr Locke informed the Sub-Committee with regard to crime and disorder, the average age of those attending would be 50, and the event was not being advertised to those under 30's. He stated there would be no punk music and went on to outline the music lined up for the event. He went on to describe the type of music to be played over the weekend.

The Sub-Committee asked questions of the Applicant and invited the Licensing Representative, the Senior Environmental Health Officer and the Derbyshire Constabulary representatives to put questions to him as well. The Sub-Committee raised queries regarding individuals being able to take their own alcohol on site, the website not advising of the change in numbers allowed entry (from 1000 initially), social media pages being open to all – not just over 50's, the number of tickets already sold, those without tickets attempting to seek entry. Derbyshire Constabulary referred to the pre-licence application for a premises licence which was not pursued by Mr Locke.

The Chairman invited the Licensing Representative, the Senior Environmental Health Officer, the Derbyshire Constabulary representatives and the Applicant to sum up their representations. The Council's Licensing Representative referred the Sub-Committee to his presentation, the report and associated legislation and guidance. PC Fowler stated the relevance of the pre-licence application, the target audience of over 50's, the family friendly approach which would result in the attendance of children, the security on site, the lack of fencing around the site and people being able to gain access through fields, and how the Police would be looking for a premises licence for such an event so that they were able to impose conditions.

Mr Locke stated he did not wish to sum up.

The Sub-Committee retired from the Council Chamber to deliberate.

RESOLVED:-

The Sub-Committee resolved that a Counter Notice be issued under section 105 of the Licensing Act 2003, as detailed in the Decision Notice, a copy of which is incorporated in the signed minute book at "SMB1".

The Meeting terminated at 15:00

COUNCILLOR WATSON

CHAIRMAN