

BOROUGH OF REIGATE AND BANSTEAD

LICENSING SUB-COMMITTEE

Minutes of a meeting of the Licensing Sub-Committee held at the Town Hall, Reigate on Monday 7 January 2013 at 2.03 pm.

Present: Councillor S.T Bramhall (Chairman); Councillors Mrs R. Turner and M. Vivona

22. APOLOGIES FOR ABSENCE AND RECONSTITUTION OF THE SUB-COMMITTEE

There were no apologies for absence and membership of the Sub-Committee was as set out in the agenda.

23. DECLARATIONS OF INTEREST

There were no declarations of interest.

24. LICENSING HEARING PROCEDURE NOTE

RESOLVED, that it be noted that the hearing would follow the procedure as set out in the procedure note, and at the discretion of the Chairman.

25. APPLICATION FOR A NEW PREMISES LICENCE: ROBINS COOKE FARM, KINGSMILL LANE, REDHILL

The Committee considered an application for a new premises licence to hold a music festival at the above site on 26 and 27 July 2013. Similar events had been held over the past five years.

Representations had been received from local residents, Surrey Police and the responsible authority for environmental health, as set out in the annexes to the report.

The report also included a full operating schedule for the event, submitted by the applicant, based upon the conditions attached to the licence for 2012 and subsequent discussions after the event, covering:

- Conditions relating to public health and safety
- Noise conditions
- Event security plan
- Traffic management plan
- Milestone conditions
- Event management team

The licensing officer presented the application to the Sub Committee,

following which the parties were invited to make their submissions.

Submissions were made by the following parties:

- Mr Nichols – *applicant*
- Mr Brown, Mr Gilbert, Mr Rayfield, Mr Guise and Mrs Cook – *making representations against the application*
- Mr Hume – *representing Surrey Police*
- Mr Long – *representing the responsible environmental health authority*

Councillor Mrs Renton, local ward councillor, attended the hearing and commented upon the application, however, the Chairman confirmed that the Sub-Committee would only consider oral submissions made by those who previously made written representations.

During the course of the hearing the following points were noted:

On behalf of the applicant:

- Careful attention had been given to all the representations and the applicant noted that the main concerns were noise and trespass.
- The applicant initiated a meeting with the objectors to discuss what further measures might be appropriate to address their issues.
- In response to the discussion the applicant was proposing the following additional security measures:
 - Security agreed to cover the entrance to the driveway to Staplehurst Farm throughout the duration of the festival
 - Five dog units to patrol the three main footpaths, the drive to Mr Guise's property, and the boundary line alongside Mrs Cook's fence.
 - Each dog unit would have a marked 4x4 vehicle, which would be prominently parked with warning signs that security dogs were being used.
 - Two distinct security teams would be employed in 2013, to manage internal and external security. The applicant was happy for this to be conditioned.
 - It was recognised that the rapid response team had not been successful last year. A new security firm would be used in 2013 who would visit all neighbouring properties, and leave their details, so that residents could contact them immediately in case of any problems.
- Most of the people trespassing or causing a nuisance were well-known locally, and nothing to do with the genuine festival-goers. The footpaths were public land, and whilst the applicant was taking all the steps he could to prevent nuisance, his powers outside of the festival site were limited.
- With respect to noise, the applicant commented that there had been very few complaints the previous year, with none from the two properties closest to the venue.
- The festival had a proven track record and was well-managed or there would have been more complaints.
- This year, in response to the representations, the festival would run for only two days, rather than three as last year.

- The applicant was also willing to amend the application so that live music (section D), recorded music (section E but with the exception of the silent disco), and provision of facilities for dance (section J but with the exception of the silent disco) would finish at 00:00 midnight rather than at 02:00 each night.
- To manage this, the two stages would be run intermittently, with no loud rock music after 23:00.
- In response to a question, the applicant indicated that he was not minded to voluntarily offer a stopping time of 23:00, as it was his view that 00:00 was reasonable, in view of the late hours operated elsewhere for local bars and clubs.
- A half-hourly shuttle bus service was scheduled for 2013, between Redhill Station and Robins Cooke Farm, to reduce the number of cars driving to the event.
- The applicant was making every effort to accommodate the residents' objections, at considerable expense to himself.
- In response to a question, the applicant confirmed that he would be happy to provide additional road signage, although this would need to be subject to agreement with the Highways Authority and Surrey Police who already provided some signage.
- During the course of the hearing, the applicant indicated on the map the location of the access gates and indicated how traffic would be managed.
- Tickets for the event and for parking were only available online or from two local outlets. Tickets were not sold on the gates.
- There was always be a balance to be achieved, between the enjoyment of festival-goers, and potential disturbance to residents. The applicant believed that the measures proposed would be effective in achieving this.
- The festival would only be held for two days and it only occurred once a year.

On behalf of Surrey Police:

Mr Hume confirmed that the conditions set out in the police representations were the same as for the previous year, and that they had been agreed with the applicant.

The following incidents had been recorded by police at the 2012 event:

- Four cases of theft involving mobile phones
- One assault involving travellers who had been ejected from the site
- One fight on the campsite, involving tent-owners

A small quantity of recreational drugs was handed over to the police by security guards who had confiscated it at the entry search check, but not sufficient to be of a serious concern.

On behalf of the responsible authority for environmental health:

Mr Long reported that the responsible authority was making representations because of the potential for noise nuisance, particularly after midnight.

Amendments were proposed to the noise conditions (3, 4 and 8) set out in the applicant's operating schedule and circulated at the meeting.

The intention was to reduce the potential for noise nuisance from electric amplified music, apart from performer vocals and the silent disco.

Condition 8 referred to the need to continue monitoring noise throughout the event. The applicant confirmed that this had always been his intention and that the proposed noise conditions set out in his application should have been amended to reflect this.

On behalf of the objectors:

- The festival had evolved from a family-friendly event to one mainly directed at young people.
- The emanating noise, particularly from the bass sound, had a negative impact on the quality of life for residents.
- If the licence was to be granted, the music should be limited to 23:00, with sale of alcohol until 01:00, and the 2.4 metre Herras fencing should be erected along all the boundary with Mrs Cook's field.
- The proposed decibel control levels were too high, and reference was made to the WHO report which stated that noise above 40 decibel at night could be harmful to health.
- Other festivals only had a licence until 00:00 and there was no reason why Redfest should be different.
- The damage and mess from last year's festival was worse than in previous years. Fences had been damaged by people trying to get onto the site without paying, litter and unsavoury refuse was strewn on the residents' land which they then had to clear despite assurances from the applicant that he would operate litter patrols. Footpaths were not properly monitored and the security guards were ineffective.
- Promises made by the applicant last year were not fulfilled.
- The site was unsuitable for the event. There were too many footpaths and it was vulnerable to noise and intrusion.
- If the licence is granted there should be secure fencing throughout and dog patrols on duty all the time.
- The only time the residents had problems with travellers or trespass was during the Redfest festival and at no other times in the year.
- There should be clear guidelines to prevent any noise after 23:00, as in the past, before the applicant started using Temporary Event Notices (TENs) to circumvent the licence requirements. No use of TENs should be allowed.
- In response to a question, the licensing officer clarified that the legislation had now changed and any responsible authority could make representations against a TENS application, in the same way as any other licensing application.
- The applicant confirmed that, in any event, it was not his intention to apply for TENs at the 2013 festival.
- Local residents had called the contact line during the 2012 festival asking for the noise to be reduced, and were informed that the organisers had said that the level set could continue beyond 23:00.
- The security guard assigned to control the end of one resident's drive

was only on duty there until 21:00 and there were problems with trespassers after he had left.

- The noise limiters had proved unsuccessful, there was no guarantee that the silent disco would be quiet, as people were likely to sing along to the music.
- Road access to the site for festival-goers and delivery vehicles was from a narrow lane with increased risk of accidents. Additional signage should be provided to warn people of traffic turning in and pulling out.
- A shuttle bus service had been promised before but it had failed to materialise.
- The bass noise from the music at night was particularly unbearable, causing close residents' walls and doors to shake and vibrate, and being audible and a source of nuisance to many people further afield. There should be no noise after 23:00.
- The positioning of the noise monitors needed careful consideration to be sure that they reflected the level of noise accurately.

*(The Sub-Committee adjourned to deliberate at 3.22 pm
and resumed at 4.41 pm to give its decision.)*

RESOLVED, that the application for a premises licence for Robins Cooke Farm be **GRANTED** with the same conditions attached to the premises licence in 2012 unless superseded by those that follow:

Section E (Live music outdoors), **Section F** (Recorded music outdoors), **Section G** (Performance of dance outdoors) and **Section J** (Provision of facilities for dancing outdoors)

to be:

1200 hrs to 2300 hrs - Friday
1200 hrs to 2300 hrs - Saturday

with the exception of the proposed silent disco which can operate in the following manner:

1200hrs to 0000 hrs - Friday
0000 hrs to 0200 hrs and 1200 hrs to 0000 hrs - Saturday
0000 hrs to 0200 hrs - Sunday

Section L - Provision of Late Night Refreshment outdoors

to be:

2300 hrs to 0000 hrs - Friday
0000 hrs to 0500 hrs and 2300 hrs to 0000 hrs - Saturday
0000 hrs to 0500 hrs - Sunday

Section M - Supply of alcohol for consumption on the premises

to be:

1200 hrs to 0000 hrs - Friday
0000 hrs to 0200 hrs and 1200 hrs to 0000 hrs - Saturday
0000 hrs to 0200 hrs - Sunday:

Section O - Site open to the public

to be:

0900 hrs on Friday (26 July 2013) to 1300 hrs on Sunday (28 July 2013)

Conditions to be attached to the premise licence

- i. Applicant to take steps to remove litter on neighbouring land associated with activities carried out on the premises (in line with 8.1.14 of Council's Statement of Licensing Policy) i.e. to clear litter from neighbouring land
- ii. Applicant to implement the security requirements set out in the Police representations dated 30 November 2012 as set out in the agenda papers.
- iii. Security guard to be stationed at the entrance to Staplehurst Farm 24 hours per day throughout the duration of the festival.
- iv. Five dog units to patrol the public footpaths, Mr Guise's drive and the perimeter line of Robin's Cooke Farm 24 hours per day throughout the duration of the festival.
- v. All fencing on site as marked red on the application plans shall be 2.4 metres solid security fencing (*for the sake of clarity this includes the boundary along Mrs Cook's land*)
- vi. The noise conditions as set out in the applicant's operating schedule, subject to amended conditions 3, 4 and 8 as follows:

Condition 3

The sound levels from any regulated entertainment between 12.00 and 23.00 on Friday and between 12.00 and 23.00 on Saturday shall not exceed 65dBA measured as a 15 minute Leq over any 15 minute period when measured (at any position to which the organisers are allowed access) at or close to the boundary of any residential premises.

This also applies to the Silent Disco and to the operating times of the Silent Disco.

Condition 4 (to add to the existing condition).

Except for the silent disco and performer vocals there shall be no electrically amplified regulated entertainment after 23.00.

Condition 8

The organisers shall employ the services of a suitably qualified person or persons to undertake noise measurements, make any necessary assessments of inaudibility and produce the report referred to in condition 11. That person or persons must be at or in the vicinity of the site for the duration of the periods

12.00 on Friday to 02.00 on Saturday and 12.00 on Saturday to 02.00 on Sunday.

The Leq measurements must entail the measurement of noise levels in such a way that potential breaches of the specified sound levels can be identified before they occur and corrective action taken to prevent a breach over the fifteen minute period.

The person undertaking the measurements must be able to immediately contact the person in control of the sound levels (for example, controller of the mixing desk or persons having control of the sound level of entertainments).

All persons employed to make noise level measurement or inaudibility assessments shall be obliged by contract to report any difficulty he or she is having in obtaining the necessary assistance or compliance with any instructions he or she gives relating to the control of sound levels with any other person in the chain of producing or controlling the regulated sound (for example, but not exclusively, the artists, their engineers and the engineers of the main sound system). 'Report' means both report to the organiser at the time and record the matter in the report referred to in condition 11.

- vii. All public safety conditions set out in the applicant's operating schedule.. For the sake of clarity, the published written decision takes precedence in the case of any conflict.
- viii. Additional signs to be erected by the applicant on the roads leading to the event, warning people about traffic turning into and out of the site.
- ix. A shuttle bus service to operate between the site and Redhill Railway Station.

Reasons for the decision

The Sub Committee considered all the evidence submitted, both in the written application and representations and during the oral submissions at the hearing.

During its deliberations it paid particular attention to the following factors and considerations in respect of the four licensing objectives:

Security

1. The applicant's offer to station security guards at the entrance to Staplehurst Farm 24 hours per day.
2. The applicant's offer to employ 5 dog units to patrol the perimeter of the site.
3. The demonstration of a significant increase in budget for security.
4. The applicant's agreement to implement all the conditions set out in the Police representations
5. The detailed clarification of security given by the applicant at the hearing.

6. The safety of persons attending the event.
7. The use of 2.4m solid security fencing for all the perimeter, including the land along Mrs Cook's field, had proven effective in past years.

Timings

8. The representations of persons at the meeting as to historical impact of late night activities on local residents.
9. The concerns raised by security problems in previous years.
10. The enjoyment of the event to the persons attending.
11. The difficulties caused by the parallel use of TENS in the past.

Bass sound levels

12. Representations of residents about the impact of bass sounds.
13. Amended conditions from Environmental Protection.

In reaching its decision, the Sub-Committee also took into account the following matters:

- i. All papers and evidence relevant to their consideration of the application based upon the four licensing objectives
- ii. The Council's own Statement of Licensing Policy, the Guidance issued by the Secretary of State under s.182 of the Licensing Act 2003, the individual merits of the case, Human Rights legislation and the rules of natural justice;

and considered that the application, as granted with conditions, met the four licensing objectives and was based upon the relevant evidence and guidance.

It was noted that the written decision issued would take precedence over the drafted decision released verbally at the close of the hearing.

The meeting closed at 4. 52 pm