

South Somerset District Council

Minutes of a meeting of the **Licensing Committee** held on **Monday, 12th March 2007** in the Council Chamber, Council Offices, Brympton Way, Yeovil.

(10.05 a.m to 2.25 p.m)

Present:

Members: Nigel Mermagen (In the Chair)

Stella Abbey	Roy Mills
George Chinnock	Keith Ronaldson
Emma Bourne	Alan Smith
Tony Fife	Linda Vijeh

Officers:

Julia Bradburn	Principal Licensing Officer
Lynda Creek	Principal Contracts and Service Development Officer
Anita Legg	Licensing Officer
Angela Watson	Assistant Solicitor
Angela Oxenbury	Committee Administrator

1. Committee Agreement to hear application (Agenda item 1)

The Committee agreed to hear the application.

2. Declarations of Interest (Agenda item 2)

There were no declarations of interest.

3. Procedure to be followed when considering Licensing Applications (Agenda item 3)

The Committee noted the agreed procedure to be followed when considering Licensing Applications.

4. Representation following the Application for a New Premises Licence for Bearley Farm, Tintinhull (Agenda item 4)

Prior to the hearing of the application, a member of the public interrupted the proceedings by saying that the residents of Bearley Lane had not been informed of the hearing by display of a notice on the site; the implication seemed to be that the applicants had not displayed the statutory notice on the premises as required under the Licensing Act 2003. The applicant stated that a notice had been displayed and, in addition, a letter had been sent to the residents (although the time of the meeting had not been given) and public meetings held. The Legal Adviser confirmed that the notice had to be displayed at the premises, however, there had been no reason to believe the notice had not been displayed. The application had been advertised in the local press too and the representations received indicated an awareness that the application had been made. The applicants apologised that their letter to residents did not give a date – this was an

oversight – but they had done their best to make people aware of the festival following last year's criticism from residents.

The Chairman said he intended to proceed with the hearing and he expected that the concerns of residents would be addressed during the meeting.

In accordance with the agreed procedure the Chairman introduced the members of the Committee and the officers present.

The Licensing Officer then presented her report including a summary of the representations made by the Responsible Bodies and Interested Parties.

The Chairman invited representatives from the Responsible Bodies and Interested Parties present at the meeting to address the Committee.

The representative of the Police said although the festival appeared to be well run there were underlying concerns regarding the financial position of the applicants which he felt impacted on public safety. He said that last year one of the security companies had threatened to leave the site, whilst the Festival was in progress, because of alleged non-payment of monies owed. This would have required the Police to deploy a significant number of officers to ensure the safety of people at the festival and because of other commitments this year, e.g. Bath and West Show, this may not be possible if a similar situation arose. The alternative was to close the event if the security firms left and this, also, could have serious implications for safety.

These concerns had been shared with Family Gathering and they had been asked to provide contracts with the security companies. He had been provided with copies of the contracts immediately before the hearing but there had been insufficient time to read and to comment upon them.

He also expressed concerns at the shortfall in recruiting stewards for the event; of the estimated 300 needed only 70 had been identified so far. They wanted some further details about how this shortfall would be met.

In response to questions from members, the representative of the Police explained that there was no prescribed formula for the number of stewards required at an event but the organisers had identified 300 in their risk assessment plan. Of the 70 none were SIA trained but this was not expected as the two security companies were contracted to provide the SIA registered stewards.

The Health and Safety Officer confirmed that he had made four representations, one of which regarding authorisation of traders on site had been withdrawn subject to the agreed amendments being made. The concerns regarding stages, structures and marquees were being discussed with the organisers and they had also agreed to modify their operating schedule to remove some misleading information regarding medical arrangements.

However, he echoed the concerns of the Police that insufficient details of risk assessment for stewarding had been provided. He accepted that the organisers were aiming for one steward for every 100 festival goers but he questioned how they would be provided and the level of training. He felt the dates for training (weekend 11th May) were too close to the event and would be difficult to reorganise if any problems were encountered.

The Environmental Protection Officer advised the Committee that the offsite noise limit in place at last year's festival had for the most part been met and improvements to the sound distribution on the main stage should improve things further. A similar condition had been suggested for this year together with an additional limit on the frequency bands on base

levels. She said the organisers had set a limit for the hours of the Wave Form dance tent to 4am closure. They had agreed that if problems were encountered on the first night, it would close an hour earlier on the second and subsequent nights. To minimise the escape of noise from the Wave Form tent a staggered entrance system had been verbally agreed by the organisers.

The Environmental Protection Officer confirmed that seven complaints relating to noise had been received last year. Officers had been present on site to monitor noise levels and this would be repeated this year to maintain a quick response to any complaints.

In response to members' questions, the Environmental Protection Officer explained that the 45 decibel (db) noise level would be audible above background level but not excessive. She said 70db would be loud and equivalent to garden machinery, for example. It was explained that noise levels rise exponentially so twice the number of decibels would be more than twice the level of noise.

Relevant representations from Interested Parties were as follows:

Mr R Cozens asked the Committee to consider very carefully whether the noise limit outside the site should be increased to 45db over 15 minutes. At the previous year's festival this had been set at 45db over ten minutes and he was concerned that, having been assured the festival would not be heard in his village, there had been at least three occasions when he thought the noise level had been exceeded. He felt that either the limit had been set too high or there had been non-compliance with the condition. In addition, he advised the committee that as the noise level was an average over the period i.e. over 10 minutes, the noise could be well above 45dcb for part of the time as long as the average remained below that threshold for the period. This would be unacceptable.

Mr Cozens was also concerned that provision had not been made for a proper ejection policy. Although it had been informally agreed that people would not be ejected into the village, he felt this needed to be enforced by adding the same condition as had been used for last year's festival. The applicants had agreed to this.

Dr E Lorch said he did not want to stop the festival taking place but he asked the committee to deal with the omissions in the application. He reminded the Committee of legal advice given at the previous year's hearing that the organisers were not responsible for anti-social behaviour off the site but that the Committee should take account of the possibility of this occurring and require the same condition to be applied this year.

The Chairman invited the applicants' representatives, Sunbird and Daniel Hurring, to address the committee. Their comments are summarised as follows:

- They had won awards for last year's festival as the most socially responsible event.
- Fewer issues had arisen from the current application as much had been learned from last year's event.
- The festival was in a stronger financial position – a £45,000 loan had been guaranteed by the Department of Trade and Industry; £35,000 of shares had been sold; a £50,000 guarantee against advanced ticket sales would be provided if the licence was granted as well as receipts from trade stands and sponsors.
- Last year the application had been made later and so the licence had not been granted until shortly before the event and complying with the conditions had a big impact on costs at a late stage. This factor plus the local concerns made it more difficult to market the event hence income from ticket sales was not as high as required to meet costs. This year professional marketing had been used and sales were going well.

- Deposits had been paid to the two security companies with further payments by automatic bank transfer on 1st May from ticket sales.
- 70 people had applied to act as volunteer stewards but it was still very early days and people were only just starting to think about attending festivals. The concerns were appreciated, however, and once the licence had been granted they expected a greater level of interest to follow. A recruitment drive to attract stewards, to all 7000 on their mailing list, would be launched if the licence were granted.
- Around 50 carnival clubs stewards could be called upon if necessary, as back-up, if the correct number of stewards were not in place by the 30th April 2007.
- The firm dealing with the non-SIA stewards – King Solomon's Groove – worked at Glastonbury too and wanted to build up a specialist team of stewards who could cover all the festivals, therefore they were looking for people with a real commitment to the events.
- Two security companies would be providing professional stewards who were SIA registered.
- Qualified trainers were to provide certificated training for some of the non-SIA stewards to a 'Glastonbury Festival standard' at a weekend course. Usually only 6 hours on the day was offered for stewards at larger events. Training was planned for the 11th May but could be moved forward if necessary. The cost of training was £60, which would be reimbursed if the steward completed their shifts.
- It was acknowledged that mistakes had been made in 2006 but systems were in place to avoid financial problems and to address the remaining concerns of residents. Where problems were found these had been addressed.
- A noise consultant was being employed and restrictions would be put in place to restrict off-site noise levels but it was difficult to predict noise levels since it was dependent on a number of variables.
- Minimal disturbance to the local communities was the aim of the organisers.
- The system of issuing passes to residents (and their families/visitors) would be made easier this year. The checks for entrance to the festival would be made further down the lane.

Members of the Committee were then asked if there were any points they wished clarified. In response to questions from members, the applicants confirmed the following:

- Not all the stewards were required to be up to SIA standard and some were paid and others were unpaid. The levels of training varied according to the role they were fulfilling.
- The references in the application to 2006 were errors – 2007 should be substituted.
- The computerised ticket entry system would identify how many ticket holders and crew were on site at any one time.
- The database would ensure entry for only one named person per ticket and this was backed by ticket stubs and a unique ID/Postcode reference.
- The majority of tickets would be sold in advance with 500 retained for sale on the gate on Saturday and Sunday.
- A reputable company had been hired to provide trained medical staff and welfare and they would undergo CRB checks.
- Sound levels had been monitored by SSDC officers and the applicant's own noise management team at last year's event. If complaints were received the sound would be turned down. There would be a noise 'hot line' where complaints could be made during the festival. Receipts from ticket sales were filtered straight into a separate account. The bank had a list of priority creditors that they would be paid as receipts were received and the security firms were a priority.
- The organisers were confident advance tickets would be sold out following good publicity from last year's festival and marketing throughout the year.

- Discussions regarding staggered exits and entrances were to be held with the Fire Service and final plans to be submitted to them by 11th April.
- The contracts with security companies stated that 29 SIA qualified stewards would be on duty at peak times.
- It was intended that 38 paid stewards would be employed, other volunteer stewards would undertake the weekend training whilst the remainder would be given a six hour briefing and tour of the site.
- The security companies were happy with the arrangements made to pay them.
- 8pm to 2am were the crucial hours to have security on site.
- More details on stage structures etc would be provided so safety checks could be made once the stages etc had been booked.
- Radios would be issued to all staff so they were easily contactable.
- Stewards would be expected to stay sober when off duty too in case they were called in to cover absences.
- Following the 'table top' emergency exercise, a new document was evolving detailing how each team will operate and the duties will be set down on a sheet for each team member.
- The 'kids area' staff were experienced and CRB checked.

One of the Interested Parties wanted to ensure that the Committee had not been misled over the public meetings. He said two meetings in Tintinhull had been poorly attended and of those that did attend most had no opinion or had been against the application. There were concerns that the level of noise and drumming had not been addressed and that the festival had become an annual event and was growing in size.

The Health and Safety Officer welcomed the training procedures for stewards but asked that a condition be added to require that a 50% minimum percentage of stewards should undertake the weekend course.

The Environmental Protection Officer clarified that representations regarding noise had been made on the understanding that the main stage was an open structure. She said the limit of 45db over a 15 minute period had been taken from a code of practice at concerts.

The Police representative reiterated concerns regarding the level of stewarding and whether the emergency plan would be delivered.

In their closing statements the applicants' representatives advised the Committee that long term plans to continue the event would depend on the landowner and there were no plans to make it bigger. The main concerns appeared to be financial viability and the numbers of stewards and they were sure these had been addressed by the financial plan and the signing of contracts by the companies providing stewards. It was a low risk event and good for South Somerset as a pioneering sustainable festival. A greater amount of detail had been submitted this year and emergency planning undertaken by a 'table top' exercise involving the applicants and some of the Responsible Bodies. They understood that last year's situation could not be repeated as further licences would not be granted in future and they accepted responsibility for the safety of the event, the cashflow issues and ensuring the satisfaction of the attendees. It was confirmed that there would be unhindered access for residents and their guests and their driveways would be kept clear.

The Chairman asked the Committee to withdraw to consider its decision on the application. He requested that the Clerk and Legal representatives accompany them in an advisory capacity only.

In considering their decision in private session, the Committee was particularly mindful of the advice given to them by the Legal Officers.

When the meeting was reconvened with all parties present the Chairman asked one of the legal representatives to give a summary of the advice that had been given during the private session. In summary this was:

- The Committee should establish whether conditions were necessary as only necessary conditions, which were proportionate and reasonable, could be imposed. Conditions could be imposed where the committee would otherwise refuse the application.
- It was not possible to delay the grant of the licence until after the date when the 2nd instalment was due nor to impose one which said the event would not take place unless the payment was made; Members must either grant the licence, grant it subject to conditions or refuse the application.
- There was a fine balance to be made between imposing a condition and not being overburdening on the applicant so that such events were effectively prevented.
- The Council had a duty to promote such cultural events but safety and security were also to be considered.
- Contracts with the security companies were in place and this, in itself, indicated that they were willing to contract with the applicants again despite the alleged problems last year. Provided the 2nd payments were made as planned, the security companies would be obliged to remain on site and carry out their duties throughout the festival. Staff would not walk off site unless ordered to do so by their employers, and, if this happened, it would be in breach of the contract with the applicants. Whether the applicants made the final payments as required was a civil matter between them and the companies concerned.
- The test was whether the committee would have to refuse the application unless conditions were imposed and in this case, imposing conditions could be justified because of the seriousness of the Police representation and other concerns.

Having considered the legal advice given, the Committee **RESOLVED** to GRANT the application for a premises licence for land at Bearley Farm, Tintinhull, for the Family Gathering Sunrise Summer Solstice Celebration under section 18 of the Licensing Act 2003 subject to the following conditions to promote the licensing objectives of the prevention of crime and disorder/public safety/the prevention of public nuisance.

1. The days and hours for the sale by retail of alcohol shall be as set out in the Operating Schedule for the relevant bars, namely Bimble Inn, Chameleon Bar (inside second stage), Chameleon Bar (inside the Invisible Circus Tent), the Cider Stall and the Backstage Bar (crew only).
2. The days and hours for the provision of regulated entertainment shall be as set out in the Operating Schedule.
3. The days and hours for the provision of late night refreshment shall be as set out in the Operating Schedule.
4. That the Family Gathering will provide evidence to the Licensing Unit at South Somerset District Council that payments due to be made on 1st May 2007 to Stuart Security and Green Security for the provision of security services at the Sunrise Summer Solstice Celebration have been made.
5. In addition to any training for the paid stewards, at least 50% of the voluntary stewards shall undertake the weekend certificated training course set out in the Operating Schedule; such training to take place by 1st May 2007. This earlier date was included by members because the proposed date of 11th May 2007 was felt to be too late to give adequate assurance that security measures will be in place by the date of the event.

Conditions 4 and 5 have been imposed because of issues that arose at last year's festival (as detailed by the police in their representation opposing the grant of the licence) where the security companies involved threatened to leave the site because of alleged non-payment. The Committee felt that they needed to have the reassurance that these payments have been made and that therefore the security companies would be contracted to provide security services in order to promote the licensing objective of the promotion of public safety and the Licensing Committee would otherwise have refused the application.

6. That the Family Gathering will take prompt steps to amend their contracts with Stuart Security and Green Security so that the contracted number of SIA registered staff meet the quota set out in the Operating Schedule.
7. In relation to the Wave Form Dance Tent should Environmental Protection deem it necessary, the time of closing for Sunday 3rd June will be 3am. This is to promote the licensing objective of the prevention of public nuisance because there were some problems with sound disturbance at last year's event.
8. That the noise level be reduced to 45db over a 10 minute period rather than the 15 minute period proposed. This is because members felt that this level was used last year and still resulted in a few noise complaints and in recognition of the representations about noise they wanted the same limits imposed this year to prevent public nuisance.
9. An appropriately worded condition be imposed broadly covering the eviction policy as put forward by the applicant at last year's event.
10. Subject to the approval and any additional conditions set by the Fire Authority, entry into the Wave Form Dance Tent will be staggered to help prevent public nuisance.

In addition to the above, the remaining matters detailed in the applicant's operating schedule, the relevant mandatory conditions under the Licensing Act 2003, the voluntary conditions agreed at the hearing relating to access to Bearley Lane for residents and their guests, and any conditions agreed with the Responsible Bodies will form part of the licence to be issued.

The conditions attached to the licence in order to be consistent with the operating schedule will be formulated by the Licensing Officers in consultation with the Legal Officers.

The Committee considers that the conditions attached are both reasonable and proportionate to address the issues raised by the written representations.

All parties were reminded of the right of appeal against the decision of the Licensing Authority. Such an appeal was to be made within 21 days of the date of receipt of the formal Notice of Determination, and should be made to the South Somerset Magistrates' Court.