
DACORUM BOROUGH COUNCIL

LICENSING OF ALCOHOL AND GAMBLING SUB-COMMITTEE

31 JULY 2019

Present –

MEMBERS:

Councillors Hearn (Chairman), Bassadone and Rogers

OFFICERS:

Nathan March	Licensing Team Leader
Nargis Sultan	Lead Litigation Lawyer
Trudi Angel	Corporate and Democratic Support Officer (Minutes)

OTHER PERSONS PRESENT:

Jonathan Soden	Applicant
Christopher Pocock	Applicant
Daniel Taylor	Applicant
Neil Polden	Objector – Environmental Health Officer
Vincent Lampey	Objector – Hertfordshire Constabulary

The meeting began at 2:29 pm

1. MINUTES

The minutes of the meeting held on 10 April 2019 were confirmed by the members present and then signed by the Chairman.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

3. DECLARATIONS OF INTERESTS

There were no declarations of interests.

4. CONSIDERATION OF OBJECTIONS TO TEMPORARY EVENT NOTICES UNDER THE LICENSING ACT 2003

The Sub-Committee were required to consider 3 applications (reference numbers: M048830, M048831 and M048832) for Temporary Event Notices (TENS) but all for a single event, The Giving Tree Festival, which have been submitted for the following premises:

Ledgemore Farm
Ledgemore Lane
Great Gaddesden
Hertfordshire

HP2 6HF

The Chairman introduced herself, the members on the sub-committee and the officers present.

The Chairman asked the members of the sub-committee to confirm that they had read the agenda. The members of the committee confirmed they had.

The Chairman asked N March if the legal requirements had been complied with and N March confirmed they had.

The Chairman asked N March if he had anything to add to the report.

N March introduced the report by highlighting the key aspects of the event that were to be considered:

“This hearing is to consider three Temporary Event Notices (TENs) submitted to the Council which were submitted by three different individuals, but all for a single event – The Giving Tree Festival.

TENs are a light touch form of licensing for ‘one off’ small events (a singular TEN can cover only 499 people, including any workers at an event). However, legally, as long as an organiser ensures that licensable activities covered by any individual TEN can be clearly demonstrated to be separated effectively, an event can be run using a combination of TENs in the way that this event has been planned. The organisers state in their TENs that the event is being run as a pilot this year, with the view to obtaining a 5 year licence should it be sustainable to do so. The Licensing Act allows for premises licences to be applied for on a time limited basis, which is an alternative way to hold a large one off event, which would allow for better regulation and promotion of the licensing objectives.

Pages 6 and 7 detail the full permissions applied for in relation to this event, but in summary 2 TENs have been submitted to allow regulated entertainment in the form of live and recorded music between 2pm and 4am in the morning on 30th August, and from 12pm on the 31st August until 4am on 2nd September. The third TEN allows for alcohol sales between 2pm and 1am on 30th and 31st August, and from 12pm on 31st August to 2am on 2nd September. The bar has been submitted as an on and off licence, meaning that alcohol purchased there can be taken away from the area covered by that TEN, and taken elsewhere (including the other areas covered by the TENs for music.

Objections have been received by The Council’s Environment and Community Protection department (page 41, Annex C1) to all of the TENs as it has concerns that permitting the each of the events is likely to lead to public nuisance, as well as public safety risks. One of the key concerns is the access to the site which is only by Ledgemore Lane – a single track road meaning significant concern in relation to access by emergency vehicles especially at times of high traffic, or should an incident such as a break-down occur. In addition to this, public nuisance is another significant concern in relation to both the regulated entertainment and the sale of alcohol.

The Police have also objected to one of the TENs (covering the small stage), however, the reason for only objecting to one of the TENs is clearly an administration error as a result of the way that the TENs were submitted, and it is clear that the intention of the Police was to

object to all three TENs. Objectors are required to submit their objection to the submitter (applicant i.e. the person who gave the notice) as well as to the Licensing Authority. The Police were under the impression that there was a lead organiser who they submitted the objection to, however, as stated earlier two of the TENs were in fact submitted by other individuals and therefore only one objection was made correctly.

The authority can issue a counter notice for any or all of the events that TENs have been submitted for which would prevent an event taking place, if it considers it appropriate to do so for the promotion of the licensing objectives, as a result of consideration of the objections that have been received.

Alternatively, the Authority can decide not to issue a counter notice for some or all of the events, permitting these to go events to go ahead.

The site does not benefit from any permissions by way of a premises licence, and therefore it is not possible to consider adding conditions to any or all of the TENs. Whilst the Committee has received a number of late submissions from the event organisers and can have regard to these to understand what is in place to manage the event, it is important to recognise that as no conditions can be added to the TENs should they not be issued counter notices, the Licensing Authority will have no enforcement powers in regards to ensuring that the submitted management plans are adhered to.

In arriving at its decisions, the committee should consider the potential impact of each TEN in terms of the Public Nuisance objective and the licensable activities, matters of Planning or other issues which cannot be connected to the licensable activities which the TENs are proposing should not be considered.

However, Dacorum's local policy in regards to Licensing does make it clear that public nuisance will be interpreted in a wide sense, meaning that issues of noise, vibration, light, litter etc. connected to the provision of licensable activities will be considered."

Councillor Bassadone asked if the premises had been used for events previously. N March replied no, not to his knowledge.

The Chairman noted that some papers had been submitted at very short notice and that those papers may not have been read as thoroughly due to lack of time. She asked the Applicants to summarise the changes since the original paperwork was distributed. Mr Soden said their proposals had come back twice from two departments and they had made resolutions which were detailed on page 13. He summarised the following changes:

- They had since provided the details for the artists that would be performing over the weekend.
- He advised that they put references back in to all the technical data that they already submitted with regards to the concerns of bass noise and their ability to control the bass sounds, and sound engineers would be monitoring the bass levels throughout the event to address noise pollution.
- With regards to the bar space and bar set up, it was designed to be managed by stewards and security teams.
- He confirmed there was a typo with regards to the hay bale wall which had been corrected and would be used behind the main stage to baffle noise.
- He said there had been updates on their search policy which was detailed under 8.5 in the paperwork.

- He said although having a paramedic on site was not necessary they have chosen to have one there.
- He advised there was a schedule of the security staff under 8.1 in the paperwork.
- He said they would be doing everything they could to restrict guests leaving the premises with open alcohol.
- He advised that their ASB Policy had been updated and could be found under 8.6 of the paperwork.

Mr Soden then ran through the proposed traffic management plan. N March asked if permission had been granted for these proposals. Mr Soden advised that they would seek permission and apply for the relevant permits if the committee grant the application.

Councillor Bassadone asked if there were residential properties near the Farm. Mr Soden confirmed there were. Councillor Bassadone asked what provisions they were putting in place for those residents. Mr Soden explained that they were restricting access to the event and they had notified the closest residents of their proposals. He said they weren't expecting more than 100 vehicles to be on site at any one time, and they were also offering a free shuttle service that will run every hour from Hemel Hempstead train station and will hold up to 15 people.

The Chairman asked if they were confident that Ledgemore Lane would cope with the traffic. Mr Soden explained that people were only expected to arrive and leave once; they expect a third of people to arrive on Friday between 4-8pm and the remaining two thirds to arrive on Saturday morning. He said the tickets for campervans would be pre-sold so they will know how many will be arriving. The arrivals of staff and performers would be before the event opened. He said they would be limiting the amount of vehicles using the lane as much as possible.

Councillor Rogers asked what experience the applicants had. Mr Soden said he had been in the industry for 15 years and runs a company called ELF Events which was a design and production company. He said he had run parties and club nights in the UK before and they had hosted stages at festivals so they were familiar with the plans and procedures.

Councillor Rogers asked if there would be any children allowed. Mr Soden replied it was strictly adults only over the age of 18 years. He said they were targeting an older audience and they had selected an older generation of performers.

Councillor Rogers asked if 24 hour management was for the whole event and Mr Soden confirmed it was. Mr Pocock advised that there would be security and medical help on site 24 hours per day and either he or his deputy would be present for the whole event.

The Chairman asked how many tickets they were planning on issuing. Mr Soden replied they were capping the tickets at 500 and were allowing up to 200 staff which included performers, the production team, studio team and security teams, bringing the total to 700 people. He felt it was unlikely that they would reach 500 ticket sales but they were hoping for 50%.

Councillor Bassadone queried the toilet facilities available. Mr Soden advised there would be 20 toilets on site, one of which will have disabled access.

The Chairman invited the objectors to make their submissions to the sub-committee.

Neil Polden, Environmental Health Officer, made the following statement in objection:

“Our concerns predominantly cover the public nuisance objective due to noise from the event. This proposes regulated entertainment, i.e. music, spanning 14 hours on the 30th August, 12 hours on the 31st August and 6 hours on the 1st September.

This covers:

- Friday in Saturday
- Saturday into Sunday, and
- Sunday into Monday

The terminal hour for music is 4:00am Friday (i.e. early hours of Saturday morning) and then Music will take place between 1pm Saturday, and 2:00am Sunday (i.e. early hours of Monday morning). These hours significantly intrude into times when people would reasonably expect to be sleeping.

Other issues raised is the lack of detailed information submitted by the applicant when taking into account the size, scale and location of the event. They have now submitted an event safety management plan which addresses some of these concerns, but still does not go far enough.

The problem arising from the TEN process is that an event made in this way cannot be rendered acceptable by condition. The option available to the committee is to either approve or reject the application.

We received an event management plan Monday (29th July), despite objection being lodged on the 22nd July. This has given limited time to the ECP team to review this submission.

However I will take you to relevant sections of the management plan to explain why I still have concerns on public nuisance and safety grounds.

Noise from the event is covered under:

- 3.13 Sound systems
- 3.14 Noise pollution and noise reduction measures
- 3.15 neighbours and locals
- 10.3 noise and vibration

My concern is that the management plan gives limited indication of likely noise intrusion off-site. In addressing noise the applicant has replicated manufacturer / supplier information for equipment, but with no indication as to how the sound system will perform in the event environment and to what degree it can eliminate noise. They have proposed a hay bale to baffle behind the main stage, but this stage is directed towards the nearest residents and so protection behind the stage is likely to be of limited benefit. The performance of the baffle is unknown when having regard to likely sound levels produced at site, which is also limited.

A similar argument can also be made for the hoarding, for which no dimensions are specified and whether this will be a continuous barrier.

There are no clear plans regarding the orientation of the 2nd stage and in which direction the speakers are facing.

At section 10.3 this states the speaker system will be monitored to comply with levels at 64db @ 64m and 58dB at 128m. The sound levels are poorly defined and how these have been calculated. It doesn't specify how sound levels will be measured and where monitoring positions will be located in relation to residential receptors.

The sound levels also lack a time interval which is necessary for measurement of sound, and how it will be measured, and whether persons undertaking measurement are qualified.

The application site has not considered the quiet rural locality which will experience low background levels, and which should factor into the consideration of noise especially at night. Residents are unlikely to be able to sleep and due to hours sought can result in significant intrusion. (500m 46dB and 800m 42dB). This doesn't account for the influence of bass and wind direction that can lead to amplification of sound at distances between 500m and 1km.

There is also no provision for handling of complaints by the public and how the event will address these.

My own experience of providing monitoring at concerts and investigating noise complaints is that music will be audible at far distances. I have monitored concerts where music is readily noticeable at distances of 600–700m to 1km. These will be events that play music.

There is also an issue of crowd noise which will form part of an event, noting attendance of 700 limit per day. This is a considerable area source which will result in noise off-site. Recent monitoring of an outdoor venue noted crowd noise at distances between 400–500m.

Referring to section 3.14; the organisers advise approaching local residents at 200m. They have been made aware of running times and a monetary compensation offered. We are aware that this offer was made on the 27th July after the TEN was submitted.

We have since received complaint from one of those residents who has concerns over the disturbance and that their daughter will be starting back at school the Monday when the event takes place.

The following statements are made in the letter by the organiser:

'The proximity to your residence will result in you being disturbed, even if only in a minor capacity' – a point I dispute if you consider the projected noise levels near to site.

'As a gesture of good will we would like to offer both residences £500 each, in return for a signed agreement that you are aware and accept some disruption to your daily life will happen during this weekend'.

This statement by the event organiser implies the event will give rise to public nuisance affecting at least the most immediate neighbours. The offer does not appear to have been accepted and is made late in the day. Agreement of local residents should have been addressed before making the application.

The Manor house appears closed for renovation, but no evidence provided by the applicant when work will be completed and if anyone is living elsewhere on the grounds or in temporary accommodation.

Noise from build and break is also not covered and hours when this will take place – We cannot condition the hours the site construction and deconstruction will occur over.

My opinion is based on hours and nature of the event that nuisance to the public will be caused on noise grounds.

Public Safety:

If I refer you to section 9 covering traffic management; Ledgemore Lane is a narrow single track lane with a number of passing points along its length. The width of the lane does vary at different points.

Section 9.3 suggests if a one-way system is passed. This implies the relevant road traffic orders are not in place to deal with site access. If there is no one-way system in place and given potential visitor numbers to site I am concerned how emergency vehicles may access and also blocking of the lane due to vehicles trying to pass.

The site provides detail that parking for 100 cars is available. There is no information detailed how this is communicated to the public and how people will ensure they do not all arrive by car, for example pre-paid parking.

If the public are not made aware will this result in vehicles being left on passing points on the lane or being parked in nearby villages where limited parking may be available. If people have to walk into site, and noting Ledgemore Lane is narrow, how will the operators ensure that traffic and pedestrians are adequately separated when taking into account 700 people at site?

I note the shuttle bus will deal with the provision, but only for customers coming from London, s9.1. What about guests not arriving from London and has the event considered guests from other areas. Do they know where people will be arriving from and is this publicised?

The application and supporting management plan hasn't addressed these points and hence my concerns on public safety grounds."

The Chairman invited the sub-committee to ask the officer questions if they had any.

Councillor Rogers asked what sound levels were expected at an event like this. N Polden replied that was subject to locality but they would look at how much the sound emerges above background noise. In a quiet rural location they would expect as low as 20-30 decibels, so with the indication that the event would measure 50-60 decibels that is a substantial increase and would become intrusive to residents.

Councillor Rogers asked if the sound would likely be heard if residents kept their windows closed. N Polden replied it would be reasonable to expect residents to have their windows open at this time of year and if they were forced to close their windows and modify their usual behaviours then it would be unreasonable intrusion.

The Chairman invited Vincent Lampey from Hertfordshire Constabulary to raise his concerns.

V Lampey explained that when they initially received the application they had objections relating to the prevention of crime and disorder as there would be live and recorded music provided by DJ's from London and across the UK. When the Police requested further details of the performers the applicants directed them to the website but the information provided was insufficient. He advised that he had emailed the applicants yesterday to ask precisely for the background of the performers and their following so they can get an idea of any issues they may bring, instead they received a list of 37 confirmed performers/DJs and their names and date of birth which wasn't what they asked for. Therefore the concern remained.

With regards to public safety, he acknowledged the transport being provided to and from the train station but remained concerned that individuals may choose to walk down the lane which is unlit and could also be intoxicated causing them to be a danger to themselves and others.

In regards to public nuisance, they have received calls from two residents that are unhappy with the event and feel that the compensation letter was a bribe. He said he had seen a copy of that letter and wouldn't say it was a bribe, however he hadn't seen the agreement the residents would have to sign in order to receive the money offered as compensation.

Councillor Rogers asked what significant impact not having the background checks would have. V Lampey advised the nature of the music could have a gang or criminal following which they have seen at other events in Hertfordshire and the impact could be detrimental.

Mr Soden said he was concerned about sharing other people's personal information and felt it would be in breach of GDPR. V Lampey replied they were only asking what background checks the applicants had done to ensure the performers weren't going to bring any problems along with them. Mr Soden explained he had selected the Acts and was fully aware of all of them. He felt 100% sure that there would not be any violence related to this genre of music.

Mr Soden referred to the public safety concern raised by V Lampey and explained that due to the distance from the train station and the locality of the event, it would be unlikely that individuals would be walking there. They will also have Marshalls and security guards there to stop people leaving the event and wandering down the lane. He added that the tickets would be pre-sold so no one without a ticket would be allowed to enter or buy tickets at the entrance.

N March said from his experience in licensing it was quite common for people to leave by foot and later get picked up by a taxi so he didn't feel that the distance from the train station would prevent pedestrian traffic down the lane.

Mr Pocock referred to the point of compensation for residents. He explained that they were trying to engage with residents and invite them to raise their concerns. The intention was to raise a dialogue and not to bribe anyone.

Mr Pocock moved on to the concerns about noise and explained that it was targeted sound and the bass would be minimised which makes a considerable difference. He then advised that they had sat in the area during the day to monitor the sound with a sound meter and that measured around 60 decibels. He added that it peaked at 85 decibels when a plane flew over.

N Polden asked how long they had sat in the area for. Mr Pocock replied one hour. N Polden felt one hour wasn't really long enough to produce a reasonable predication, and that also didn't cover the early hours of the morning when the event would still be ongoing.

Mr Pocock advised that no one was currently living at the Manor house and they could get that in writing if required. With regards to the one-way system, they would advise the Emergency Services so they were aware. He suggested that the traffic on Ledgemore Lane would be limited to small windows and that traffic would be monitored by stewards via radio communication.

Councillor Rogers asked how the customers would be identified. Mr Pocock advised that they would be using wristbands. Mr Soden then explained that tickets were sold through an online ticket sale website and the barcode on the confirmation would be scanned on paper or on a mobile phone at the entrance. Mr Taylor added that the scanner would identify if someone tried to scan the same barcode more than once.

There were no further questions.

The meeting was adjourned at 3:35 pm

The meeting reconvened at 4:55 pm

Decision

An application has been made for 3 Temporary Event Notices submitted by three different individuals all for one single event namely The Giving Tree Festival to be held in the field adjacent to Ledgemore Farm on the 30 August until 2 September 2019 in accordance with Part 5 of the Licensing Act 2003.

The Committee notes the background to this matter from the officer's report. Upon the hearing, all the submissions from the applicants and other responsible parties; the Police and Environmental Health, the committee have resolved not to issue a counter notice and to allow the event to take place as proposed.

In reaching this decision the committee has considered the licensing officer's report which contained details of the application, the submissions from the applicants and the responsible authorities. Each will be dealt with in turn.

In the case of the applicants, the committee have heard that the senior events and production manager has 15 years' experience in events management. The applicant maintains that the event will be satisfactorily managed by 200 staff excluding the 41 performers. There will be staff manning the various points around the site, in particular the entrance to the event. There is also a holding area for minibuses and taxi's so this does not congest the entrance points. There will also be paramedics on site and the event organiser will personally be on site should there be any issues. They also say they have records of people attending the site who will receive security wristbands so that those without tickets will not be permitted. We note that this event will be for adults only beyond the age of 18 years. Furthermore alcohol will only be available in times of operation and will not be allowed outside of the event grounds. They reassured the committee that sound levels will be managed accordingly and that they have provisions in place to manage this.

The committee had further objections from the Police who had raised concerns in relation to potential crime and disorder, public nuisance and public safety, objecting to all three of the TEN's. The Police were concerned about not having the opportunity to carry out sufficient background checks of the performers, however the applicants promised the committee that the performers have been checked by the event organisers. In regards to public nuisance the Police's concerns were the same as Environmental Health's in the attached email dated 22 July 2019 which forms part of the licensing officer's report. Furthermore, although there is now an event management plan the Police are still not satisfied that it meets their concerns.

The committee have also heard from Environmental Health who have raised concerns about public nuisance and public safety. Their concern relates to the public nuisance but they also have concerns regarding the proposed site and the access via Ledgemore Lane which is a single track road. In particular they have concerns regarding vehicles accessing the site including emergency vehicles, particularly at times when there is traffic or a vehicle breakdown. Their concerns are that a single track access is not sufficient for an event with a capacity of approximately 700 people. There are approximately three residential properties (one not occupied) between 200-800 metres from the site. The location is one of a rural nature and likely to experience low background levels. Therefore regulated entertainment will be considered as a source of loud music and something which is a stark contrast of environment and expectation of persons living in the location. Regulated entertainment is also specified until 4.00 am and therefore they have concerns that prolonged interference will be likely to disturb residents.

Conclusion

Taking into account all the submissions provided to this committee today, the committee has resolved to allow applications for the three TEN's licences.

The meeting ended at 5.02 pm.