

WEST OXFORDSHIRE DISTRICT COUNCIL

Record of a meeting of the **LICENSING PANEL**
Held in the Council Chamber, Council Offices, Woodgreen, Witney, Oxon
at 10.00am on Thursday 26 February 2015

PRESENT

Councillors: Mr N A MacRae MBE (Chairman); Mr M R Booty and Mrs L E C Little

I. APPLICATION FOR VARIATION OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003 – CHURCHILL HEATH FARM, KINGHAM, OX7 6UJ

The Chairman of the Panel welcomed those present to the meeting. Mr MacRae then set out the procedure by which the hearing would operate.

In response to a question from the Chairman Mr Joel Smith, General Manager of Taste Festivals Limited, confirmed that the application had been properly advertised and registered his intention to address the Panel. Mr Smith then introduced the remaining members of his team; Mr Mark Curtis, Independent Acoustic Consultant, Ms Jennifer Noble, Event Manager, Ms Katie Fox, Ms Linsey Wollaston, Head of Operations, and Ms Sam Watkins, Operations Manager, indicating that they might also address the meeting if appropriate.

Mrs Judy Lewis, the Chair of Lyneham Parish Meeting, Dr Carole Sherwood, Mr Howard Sherwood and Mr Roger Speddy then registered their intention to address the Panel in objection to the application.

No Responsible Authorities registered a wish to address the meeting.

The Chairman explained the order of business for the meeting. He advised that the Panel Members were familiar with the written representations submitted and requested those addressing the Panel to highlight any specific points they wished to raise, which should relate to the Licensing Objectives.

Mr MacRae advised that two letters dated 25 February 2015 received from Mr and Dr Sherwood had been circulated to the applicants and to all Members of the Panel. He also explained that new evidence could only be considered with the consent of all parties present and asked if any such evidence was to be introduced. There was no new evidence presented and no questions raised regarding the procedures under which the meeting would operate.

The Council's Licensing Officer presented her report outlining the application for a variation and advised that five letters of objection had been received together with representations from the Council's Environmental Health Service and Lyneham Parish Meeting.

The Council's Legal Adviser then reminded all present of the Licensing Objectives and the need to assess applications on a case by case basis. He emphasised that the application before Members was for a variation of the licence and that conditions relating to the extant licence were not open to review.

Mr Joel Smith then addressed the Panel in support of the application. He advised that the festival had been held for the last three years and went on to outline the intended nature of the forthcoming event. The festival would feature a main stage, cookery theatre, children's entertainment, a contribution from the Royal Agricultural University and a range of producer's stands. The event was supported by the Jamie Oliver Food Foundation which sought to provide food education to future generations.

Mr Smith then went on to advise that, following discussions with the Council's Environmental Health Service, he would be willing to revise the permitted hours for the provision of live music as follows:-

Friday	10:00hrs to 23:00hrs
Saturday	10:00hrs to 23:00hrs
Sunday	10:00hrs to 23:00hrs when the following day is a bank holiday 10:00hrs to 21:00hrs when the following day is not a bank holiday

Mr Smith explained that the provision of live music was effectively regulated by sound conditions imposed upon the licence and indicated that, between the hours of 10:00 and Noon, the live music programmed would be directed towards children or acoustic performances.

In relation to the provision of recorded music after 23:00hrs Mr Smith advised that performances would take place within marquees in a maximum of five areas in specific locations. He explained that noise levels would be low as they were governed by sound conditions on the licence. An extension of the permitted hours for the provision of performances of dance had been sought to allow for a silent disco.

Mr Smith indicated that many young families attended the festival and would welcome the enhanced offer proposed.

He went on to indicate that he would be willing to revise the permitted hours for the provision of recorded music as follows:-

Friday	10:00hrs to 01:00hrs
Saturday	10:00hrs to 01:00hrs
Sunday	10:00hrs to 23:30hrs when the following day is a bank holiday 10:00hrs to 22:30hrs when the following day is not a bank holiday

Mr Smith also confirmed that he would wish the hours the premises are open to the public to remain as detailed in the application, that is from 07:00hrs on Friday until 11:00hrs on Monday.

Mr Mark Curtis, the applicant's independent acoustic consultant, then addressed the meeting. He advised that he had 25 years' experience in the industry and had worked at this event since 2012. Mr Curtis explained that the applicants were not seeking changes to the sound conditions imposed which were those recommended by the Noise Council's Code of Practice. He went on to outline the specific noise limits imposed by condition both at and in the vicinity of the site before and after 23:00hrs as well as those relating to the nearest noise sensitive properties. He confirmed that a noise monitoring plan would be put in place and operated to include monitoring at a variety of locations including the Langston Nursing Home and Lyneham village.

In the event that monitoring revealed noise levels were approaching the relevant limits, those monitoring could contact the control centre to have levels reduced.

Mr Smith advised that it was also intended to establish a telephone hotline to enable local residents to report any issues of concern directly to the festival organisers.

In conclusion, Mr Smith expressed the hope that the measures outlined would reassure local residents. The festival was a family friendly event which brought significant benefit to the local economy. The organisers wished to build on the success of previous years and would be happy to meet with neighbouring residents and consult with the local community.

In response to questions from Mr MacRae, Mr Smith advised that meetings had not been held with local councils as it had been thought preferable to meet with those who had raised objection to the variation. However, it was intended to hold a consultation meeting with local residents in April.

Information regarding the telephone hotline would be made available to those who had raised concerns and to local councils. Details would also be advertised locally.

Attendance at the 2014 event had been between 14,000 and 17,000 and between 9,000 and 12,000 in 2013.

It was noted that at the second paragraph of section 16(c) of the application form reference to the 2013 management team should have read 2014.

It was envisaged that some 400 people would attend the silent disco and after 23:00 the provision of recorded music would be confined to those least noise sensitive areas.

The request to open the site to the public earlier on the Friday morning was simply to allow access to the camp site. With regard to the impact of transport on the local villages, Mr Smith indicated that this had not been a problem in the past and the variation was not expected to give rise to difficulties in the future.

Given the nature of the event, stages were located in consultation with the company's sound consultant to minimise their impact upon the camping sites so as to reduce the impact on those with younger children who may retire early. In addition, specific family campsites were provided.

In response to a further question, Ms Wollaston set out the measures put in place to prevent underage drinking. A 'Challenge 25' scheme was put in place and strictly monitored and adhered to. Appropriate training was provided for relevant staff to ensure that all licensing conditions were met.

In response to a question from Mr Booty it was indicated that some 1,000 children under 16 attended the event and a child protection policy was in place. An experienced security team worked closely with the organisers in this regard. The Council's Licensing Officer advised that the Safety Advisory Group also required arrangements to be made for the protection of vulnerable adults.

In response to a question from Mrs Little it was explained that a telephone hotline had not been operated at previous events. It was intended that the line would be staffed by the production team and would operate during the core hours during which the main site was live. There was a team on site 24 hours a day with a night manager and first aid facilities. The event organisers would take advice from the Council as to the operation of the hotline outside core site hours.

In response to a further question, Mr Smith advised that he was not aware of any instance of underage drinking or drug use on the site during the past three years.

In response to a question from the Chairman, the Council's Environmental Health Officer gave details of the noise monitoring operations taking place throughout the course of the event. The Officer welcomed the suggestion that full details of any reports received by the organisers through the proposed telephone hotline during the course of the event be conveyed to the Council's Environmental Health Service immediately following their receipt. This would enable Officers to address any concerns raised directly rather than seek to respond to complaints after the event.

Mrs Lewis, Chair of Lyneham Parish Meeting, then addressed the Panel. In reiterating the concerns set out in her letter of 1 February, Mrs Lewis made reference to the tranquil nature of the settlement, the limitations of the local highway network and the

consequent impact of the event upon local residents. She considered the additional hours sought to be excessive and unnecessary and expressed concern over the potential disturbance resulting from vehicles leaving the site in the early hours. Mrs Lewis stated that noise from the event was clearly audible in the village and, given the local topography, vagaries of climatic conditions and the characteristics of low frequency noise, questioned whether the noise limit conditions applied were adequate.

In conclusion, Mrs Lewis objected to the creeping expansion of the event since its inception; citing an increase in the number of persons in attendance, its duration and the requested increase in hours of operation. She contended that the event had changed in nature becoming more of a music festival inappropriate to this location having a serious impact and giving rise to public nuisance in terms of noise and traffic movements.

Mr Howard Sherwood then addressed the meeting expressing his opposition to the increased duration of the event and the additional hours for provision of live music. He considered the application to represent a significant incremental creep in the event and expressed concern over traffic levels, suggesting that the organised dispersal of vehicles would be problematic. Mr Sherwood also raised concerns over increased traffic movements over 16 days associated with the setting up and dismantling of the festival infrastructure and went on to draw attention to light pollution occasioned by the event.

Given the particular topography of the area and the potential impact of unpredictable atmospheric conditions, Mr Sherwood suggested that special conditions reflecting these factors might be appropriate. He drew attention to the provisions of the Noise Council's Code of Practice and suggested that this precluded provision of live music after 23:00. Mr Sherwood questioned the positioning of the festival as a family friendly event and, with the consent of the applicants, played a recording of a performance that had taken place the previous year.

In conclusion, Mr Sherwood expressed doubt as to the applicant's commitment to conducting an open dialogue with the local community and working with the Licensing Authority and questioned how an increase in hours could ensure that disruption was kept to a minimum.

Dr Carole Sherwood then addressed the meeting in objection to the application. Referring to her letter of 25 February, Dr Sherwood emphasised her concern that the manager of the Langston Nursing Home had not been made aware of the application. She questioned the benefits of the event to the local economy and did not consider the revised hours proposed by the applicants to be an acceptable compromise. With reference to the Noise Council's Code of Practice Dr Sherwood suggested that a licence ought not to be granted for the provision of music beyond 23:00. At this juncture the Council's Legal Officer advised that the Code represented guidance, not law, indicating that noise levels could be controlled beyond this time through the imposition of appropriate noise limit conditions. The Chairman of the Panel advised that publicity arrangements were prescribed by statute and there was no obligation upon applicants or the Licensing Authority to undertake individual consultation.

In conclusion, Dr Sherwood stated that the festival was not family friendly to those local residents who chose not to attend.

Mr Roger Speddy then addressed the meeting. He indicated that, although his property was located only 500m from the application site, neither he nor his neighbours had ever been consulted by the applicants before a meeting with the event managers earlier that week. He indicated that he had two objections to the application; the first that he did

not understand why the increase in hours was considered necessary and the second that no sound monitoring had ever taken place at his property.

Mr Speddy stated that he was happy with the festival in general terms but as his home, although sheltered to some extent by an intervening wood, was in a direct line with the main stage, he would welcome noise monitoring at his property. Mr Speddy expressed concern that access to his property was blocked when visitors arrived at and left from the festival and stressed the importance of ensuring that action was taken if monitoring revealed that permitted sound levels were being exceeded.

The Chairman advised that if noise levels were excessive the volume would be reduced and the Council's Environmental Health Officer confirmed that no difficulties had been encountered in the past as, when levels came close to limits they had been reduced.

Mr Smith then summarised the application on behalf of the applicant. Whilst some of the issues raised in objection had not been relevant to the variation, Mr Smith acknowledged that, owing to changes within the management team, consultation arrangements had not been adequate and undertook to improve these. A meeting with local residents was to be arranged in April to discuss plans in greater detail. Ms Wollaston explained that the variation was intended to offer an extended programme for those camping at the site and was not expected to lead to day ticket holders leaving the site later. No programme of events would be published beyond the headline acts and it was expected that day ticket holders would leave once the main stage closed. The additional hours would allow for a programme of casual entertainment, primarily for the benefit of those remaining on site. The small number of local residents and day ticket holders remaining were likely to disperse gradually.

Discussions were being held with First Great Western Trains regarding timetabling and efforts were being made to secure extended train departure times. Provision of additional parking at Kingham station would allow for a coach transfer service to be operated but rail infrastructure requirements were such that it was unlikely that a charter train service could be provided.

Mr Smith advised that the manager of the Langston Nursing Home had confirmed that neither residents nor staff had been disturbed by previous events and that they had no objection to the application. He emphasised that, as a breach of noise limits could result in the revocation of the premises licence, the organisers were particularly conscious of the importance of adherence to conditions and were committed to working with the Licensing Authority to this end. After 23:00 the limit in the vicinity of the nearest noise sensitive premises was such that it would not cause disturbance and Mr Smith sought to reassure residents that there was no intention to change the nature of the festival or its client base.

Mr Curtis outlined previous arrangements for noise monitoring and the results achieved. He undertook to make arrangements with residents to conduct monitoring at their properties should they so wish. Mr Curtis advised that previous monitoring at Bruen had shown sound levels well below limits and, whilst monitoring had not taken place during previous events, it was his expectation was that this would also be true in Lyneham.

In response to a question from Mr Sherwood, Mr Curtis advised that he had only been aware of one complaint made after the headline act on Saturday the previous year. He stressed that it was his role to ensure that no complaints were received by ensuring that noise levels were reduced should they near limits.

The Council's Legal Adviser reminded those present that, in addition to the revocation of a licence, the breach of licensing conditions was a criminal offence that could lead to both financial and custodial sanctions.

In response to a question from Mr Booty it was explained that research had suggested that visitors would be unlikely to leave the site on a Sunday when the following day was a bank holiday and the extension of hours had been sought to increase the offer of the event by enabling them to enjoy a full weekend.

Mr Smith then confirmed the revised hours sought, indicating that the earlier opening time on Friday was simply to allow access to the campsite. The festival was to remain a family friendly food and music event. There was no desire to change the nature of the event, its unique appeal or visitor profile. The organisers would improve consultation arrangements so as to work more closely with the local community.

The Panel then retired to consider the application and submissions made at the hearing.

Having considered the report and the submissions made at the meeting in relation to the licensing objectives and the Council's Statement of Licensing Policy and Guidance, the Panel

RESOLVED: That the application for a variation to the Premises Licence under the Licensing Act 2003 at Churchill Heath Farm, Kingham, be approved as detailed in the operating schedule, subject to the following conditions:-

1. Notwithstanding the details set out in the operating schedule the permitted hours for the provision of live music shall be as follows:-

Friday	10:00hrs to 23:00hrs
Saturday	10:00hrs to 23:00hrs
Sunday	10:00hrs to 23:00hrs when the following day is a bank holiday 10:00hrs to 20:00hrs when the following day is not a bank holiday

2. Notwithstanding the details set out in the operating schedule the permitted hours for the provision of recorded music shall be as follows:-

Friday	10:00hrs to 01:00hrs
Saturday	10:00hrs to 01:00hrs
Sunday	10:00hrs to 23:30hrs when the following day is a bank holiday 10:00hrs to 22:30hrs when the following day is not a bank holiday

3. Notwithstanding the details set out in the operating schedule the permitted hours for the provision of performances of dance shall be as follows:-

Friday	10:00hrs to 01:00hrs
Saturday	10:00hrs to 01:00hrs
Sunday	10:00hrs to 23:30hrs when the following day is a bank holiday

10:00hrs to 22:30hrs when the following day is not a bank holiday

4. Notwithstanding the details set out in the operating schedule the permitted hours for the supply of alcohol shall be as follows:-

Friday 10:00hrs to 00:30hrs

Saturday 10:00hrs to 00:30hrs

Sunday 10:00hrs to 23:00hrs when the following day is a bank holiday

10:00hrs to 22:00hrs when the following day is not a bank holiday

5. At all times during which regulated entertainment is taking place the licence holder shall make arrangements for a telephone hotline to be available and staffed enabling residents to make direct contact with the festival's control centre to report any issues of concern. The contact telephone number shall be publicised prior to any event in a manner to be agreed with the Licensing Authority and full details of any reports received during the course of events shall be conveyed to the Council's Environmental Health Service immediately following their receipt in a manner to be approved by them.

In advising of the decision the Chairman emphasised that good communication with local residents was paramount and the Council would anticipate such in future. Further, it would strongly urge the applicants to write to all local residents to give full details of the proposed telephone hotline.

The Council's Legal Adviser reminded those present that any interested party dissatisfied with a decision made by the Council may appeal to the Magistrates' Court: and that the Licensing Act 2003 contained provisions by which any person or responsible authority may apply for the review of a premises licence where problems with crime and disorder, public safety, public nuisance or the protection of children from harm are occurring.

The hearing closed at 11:40am