

WEST OXFORDSHIRE DISTRICT COUNCIL

Record of a meeting of the **LICENSING PANEL**  
Held in the Council Chamber, Council Offices, Woodgreen, Witney, Oxon  
at 12:00 Noon on Tuesday 31 January 2017

PRESENT

Councillors: Mr N A MacRae MBE (Chairman); Mr R A Langridge and Ms E P R Leffman

I. APPLICATION FOR VARIATION OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003 – THE BIG FEASTIVAL, CHURCHILL HEATH FARM, KINGHAM, CHIPPING NORTON

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, the applicant's representative, Mr Joel Smith, confirmed that the application had been properly advertised and registered his intention to address the Panel. He introduced his colleagues, Lynsey Wollaston, Sam Watkins and Gaby Williams who would also address the Panel as appropriate.

Mr MacRae indicated that the Panel had been made aware of concerns raised by some objectors who had suggested that the applicants had failed to satisfy the requirements of the advertisement process and informed those present that he would be seeking advice from the Council's legal solicitor on the matter.

Mr Howard and Mrs Carole Sherwood then registered their intention to address the Panel in objection to the application.

No other interested parties or 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 explained that new evidence could only be considered with the consent of all parties present and asked if any further such evidence was to be introduced. There was no new evidence presented and no questions were raised regarding the procedure by which the meeting would operate.

Mr MacRae advised that the Panel was aware of the suggestions made by Mr Sherwood of a failure in the advertising process. Guidance indicated that, in relation to premises covering more than 50 square metres, notices should be placed every 50 metres along the external perimeter abutting the highway. Mr MacRae suggested that, as the perimeter of the site was several kilometres (much of which was rural in nature), it would be impractical and inappropriate to require absolute adherence to these guidelines. He explained that notices had been displayed at all main entrances to the site and advertisements placed in the press. With regard to the failure to notify all parish councils, Mr MacRae advised that, whilst West Oxfordshire notified local councils of applications as a courtesy, it was not under any statutory obligation to do so.

The Council's legal solicitor indicated that, whilst regulations specified that notices should be displayed at 50 metre intervals, recent case law had established that failure to require strict adherence to these requirements would not result in a decision being considered fatally flawed.

The key question to be considered was whether deviation from the requirements prejudiced the process or gave rise to harm. The Council's legal solicitor also confirmed that, whilst it was good practice, there was no requirement to notify local councils of applications.

Mr MacRae indicated that the Panel was content that the process had not been prejudiced and considered it safe to proceed in determining the application.

The Licensing Officer presented the report outlining the application. She confirmed that the application had been amended by the submission of a revised site plan reducing the site area included within the variation and advised that, since publication of the report, Mr and Mrs Speddy, Mr and Mrs Heywood and the Churchill and Sarsden Parish Council had withdrawn their objections to the application.

The applicant's representative, Mr Joel Smith, then addressed the meeting.

Mr Smith indicated that Taste Festivals had produced and run The Big Festival for five years at Churchill Heath Farm in Kingham and was looking forward to bringing a great family event to The Cotswolds in the summer. He advised that it was planned that the event would feature a main stage with top music artists and up and coming local acts; a cookery theatre with renowned UK chefs and stars of the Cotswolds food scene and children's entertainment including Adam Henson's Cotswold Farm Park. The event would continue the "field to fork project" with the Royal Agricultural University, and incorporate a wide selection of Producer Stands featuring a number of local food and drink businesses.

Mr Smith stressed that, after five years of supporting the Jamie Oliver Food Foundation, charity remained at the heart of the event and advised that the organisers were close to announcing a new charity partner. Many of Jamie Oliver's favourite chefs would be participating in the event over the weekend to help highlight the importance of food education and cooking skills to the next generation.

He explained that the application to vary the existing license could be split into two parts.

Firstly, it sought permission to increase capacity from 19,999 to 24,999.

Secondly, the variation sought to align live music hours with the current recorded music hours to enable live music to be performed later than the current 11pm Friday and Saturday cut off. Mr Smith explained that this was purely to enable organisers to schedule un-amplified music to be played in one of the late license areas, not on the main stage. Mr Smith confirmed that the applicants had accepted a proposed condition surrounding this part of the variation to keep it in line with the existing sound level limits and late night licensed areas.

Mr Smith advised that the organisers had always been clear about their desire to increase capacity at some point and considered that was now the right time to do so as there was extra demand for tickets for Saturday and Sunday. The applicants remained committed to keeping the Festival as a boutique family festival and recognised that it was imperative as part of its unique selling point for the event to retain its relative small and safe feeling.

Mr Smith went on to address a number of objections received since the application had been made in relation to:-

- Increased footprint of the event
- Increased traffic

- Disturbance from Noise
- Licensing Objectives and Welfare provisions

The applicants remained confident that the current site and event plans were workable with this increased capacity. However they wished to look to use some neighbouring land adjacent to the property to make the operation smoother and to provide some extra contingency land. This would also enable an increase in the amount of public able to camp which was the ticket type in greatest demand and which also had less of an effect on the local traffic network.

As submitted, the application had incorporated a large area of increased land as the applicants had not had formal confirmation from local landowners giving permission to use certain pieces of land. Subsequently, the applicants had been made aware that this had caused concern amongst some local residents and Parish Councillors, especially given the lack of clarity in the application around the planned uses of this land.

After further conversations with local residents organisers had subsequently amended the land plan, reducing these areas and amending the application. Mr Smith advised that the area of land on the variation currently farmed by the Burden's would be used for contingency parking only and that the piece of land bordering Bluewood Lodges currently owned by Paul Ambler would be used as either car parking or camping.

The relief road would only be actively used for the public open period of the event. Any changes to the ingress and egress routes of the event would be worked through with the applicant's traffic management company, addressed in the Traffic Management Plan and shared each year for formal approval by the Safety Advisory Group. The additional land included in the variation would not be used for any regulated entertainment (for example music stages, licensed bars etc.).

Mr Smith then handed over to his Operations team to explain in some more details the measures around traffic, noise and the licensing objectives.

Ms Wollaston indicated that the company had a proven track record and confirmed that the Safety Advisory Group was content with the plans for the event. The resources, facilities and staffing levels proposed reflected the fact that the event attracted a more discerning audience by exceeding the usual industry standards.

Ms Wollaston went on to outline the measures to be put in place to ensure that the licensing objectives were met. She stressed that the Police had no concerns in relation to crime and disorder. There had been low levels of crime at previous events and the Police had not considered it necessary to have a presence on-site.

Admittance to the event was by advanced ticket only and the Council's Environmental Health Officers had raised no objection to the variation. Appropriate measures were to be put in place to protect children from harm.

Whilst the applicants did not consider that the event would give rise to public nuisance, they were committed to addressing local concerns and would operate a residents helpline prior to and during the event. There was no expectation that the event would attract unmanageably large crowds.

Mr Watkins then addressed the meeting, outlining the proposed arrangements for sound and traffic management. He advised that new sound monitoring positions had been agreed with the Safety Advisory Group and confirmed that the applicants were happy to comply with the conditions proposed by the Council's Environmental Health service.

The Safety Advisory Group was content with the proposals and sound desks would remain under the control of the organisers who would be in radio contact with the outlying monitoring teams.

With regard to traffic management, Mr Watkins reiterated that both the Safety Advisory Group and the Highway Authority were content. He advised that projected traffic levels could be accommodated within the existing site. The additional land sought in the variation was to facilitate a contingency plan incorporating the provision of relief routes if required.

In conclusion, Mr Smith acknowledged that some of the objectors had raised and would be discussing the process of the application. He indicated that the applicants had advised residents in an open debrief in November that they would be looking to vary the license. A variation meeting had been arranged with local residents two weeks later which was notified to all interested parties and Parish Councillors in which the p[roposed variation had been outlined and residents' questions addressed.

The applicants felt that they had been clear around the desire to license extra areas of land in this meeting but Mr Smith accepted that the intended use of the additional areas of land could have been made clearer. He expressed the hope that these intentions had now been clarified through a series of further meetings with those concerned.

In terms of the application and advertisement of the application, Mr Smith advised that he believed that the correct application procedure as set out by the local authority had been followed.

He expressed the hope that the more detailed explanation of the intentions provided offered reassurance to the local community that there was no intention to move away from the positioning as a family-friendly festival. The applicants remained extremely proud of the benefits that The Big Feastival had brought and would continue to bring to the local economy and looked forward to building on the success of the event. He stressed that the organisers were always happy to meet with neighbours to work through any concerns they may have and welcomed the opportunity to consult with the local community on the festival plans.

Mr MacRae reiterated that the Panel was content that the application procedure had been correctly followed. He noted that the minutes of the residents meeting that appeared as Appendix D to the report made reference to a variety of intentions expressed by the applicants. He went on to enquire whether these intentions would be put into effect. In response, Mr Smith advised that it was expected that a large number of the initiatives suggested would be implemented. He explained that the organisers were currently considering a new traffic management contract and intended to discuss suggestions such as electronic traffic management signage with their chosen contractors once the position had been finalised. He indicated that the final traffic management plan would be submitted to the Highway Authority for approval in July and any changes to the plan would be presented to local residents at the next consultation meeting to be held at that time.

Mr MacRae enquired whether the residents' hotline had proved effective during previous events. In response, Mr Smith advised that a small number of calls had been received in the first year during the setting up of the site but that minimal use of the facility had been made since. However, many residents had the personal telephone numbers of key members of the application team and were able to contact them directly.

In response to further questions, Mr Smith indicated that he considered it unlikely that the event would reach its full increased capacity in the first year. Whilst there was a certain level of additional demand, his expectation was that this would not extend beyond an additional 2,500 persons. In relation to hours of operation, he confirmed that the variation would simply bring the permitted hours for the performance of live music in line with the currently licensed hours for recorded music. Sound limits would remain unchanged and, in consequence, there would be no additional impact in terms of noise levels.

Mr Langridge enquired whether free or discounted tickets would be offered should the full additional capacity not be reached. In response, Mr Smith advised that this was most unlikely as the event was a commercial operation. Ticket sales would provide a good indication of eventual demand and infrastructure would be provided at an appropriate level to accommodate this. Mr Langridge noted the suggestion that there would be more demand for camping tickets and questioned whether an attempt would be made to promote this ticket type or if it would be left to market forces. Mr Smith advised that market forces would govern ticket sales but past experience showed that it was the camping tickets that sold out hence he was confident that this was where the majority of the additional demand lay.

Ms Leffman enquired whether the additional numbers would incorporate production staff. Mr Smith advised that it was anticipated that some 500 of the 5,000 additional persons on site would be production staff. Ms Leffman also enquired what proportion of those attending travelled by train. Mr Watkins advised that, in 2016, some 2,000 to 2,500 had arrived by train but that numbers the previous year had been significantly fewer as there had been industrial action at the time of the event. He went on to advise that the applicants had made arrangements with a local firm to provide a coach service from local centres such as Oxford, Chipping Norton and Stow.

In response to a further question, Mr Watkins advised that the additional capacity was likely to give rise to some 1,500 to 1,600 vehicles which could be accommodated within the existing site.

Mr Howard and Mrs Carole Sherwood then addressed the meeting in opposition to the application. A copy of their respective submissions is attached as an appendix to this record of the meeting.

Mr Smith then took the opportunity to respond and to sum up his case for the grant of a variation to the licence. He outlined the steps taken by the organisers to engage with local residents and inform them of the applicant's future intentions. He accepted that there was always scope for improvement and confirmed the applicant's commitment to dialogue with local residents. He acknowledged that the application had not been as clear as it could have been with regard to the intended use of the additional land but reiterated that the applicants had worked with those affected to address their concerns.

Mr Smith confirmed that the additional land was required for camping and contingency parking, not for licensable activities.

In terms of the concerns expressed by Mrs Sherwood regarding reports on social media, Mr Smith explained that this was an open event that encouraged comments. It was to be expected that some negative feedback would be received and he acknowledged that there was a need to address some of the issues raised. However, Mr Smith refuted suggestions that welfare provision was inadequate, emphasising that arrangements were approved by the Safety Advisory Group. He suggested that any such event attracted a degree of negative comment through social media but considered that it was inappropriate to place great weight on this without exploring the particular issues

in more detail. Ms Wollaston confirmed that welfare arrangements were some 30% in excess of industry standards, reflecting the family nature of the event.

In conclusion, Mr Smith stated that the applicants believed that the event infrastructure and procedures were well planned for dealing with the proposed increase in capacity. He reiterated that they had been approved by the Safety Advisory Group for the event which was formed of all the blue light emergency services and representatives from the County Council and Local Authority.

The applicants were aware that the event would always cause some degree of local disruption and accepted that they would not be able to prevent all of the local community concerns. However, as a team, the organisers worked hard and would continue to work hard to alleviate any extra nuisance as far as possible.

Mr Smith expressed the hope that the applicants had already demonstrated to the local community their willingness to do this over the past two years with the changes that had been made to the plans to date such as increased sound monitoring, much better resident's communication, improved traffic signage and monitoring, better liaison with the local rail station and the establishment of a coach service by way of example. He advised that the applicants had been praised and thanked by local residents for their efforts over the past two years.

In conclusion, Mr Smith confirmed that it was the intention is to stage a family friendly food and music festival and not to create anything else. The same commitment had been made two years ago when the hours of operation had been varied and the applicants had not reneged on that promise in the past two years. They remained keen to continue to work with the local community where possible and ensure that any disruptions is prevented where possible or reduced where not.

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 variation of the premises licence be granted for the activities, days and hours sought in the application and as set out in the operating schedule, (as amended by the submission of the revised site plan referred to above) subject to the following conditions:-

- Any Live music between 23:00 and 01:00 shall be Unamplified and acoustic only
- Between 23:00 hours and 01:00 hours\* the Music Noise Level of the Licensed Event, when predicted at the planning stage or measured during the sound tests, rehearsals or the Licensed Event proper, shall not exceed the following noise levels when measured one metre from the façade of any premises deemed to be a noise sensitive premises as agreed with the Licensing Authority or at any level at any proxy measuring position as agreed with the Licensing Authority

Event date bands**	Noise Limit	63Hz or 125 octave
Friday August 2017	40 dB LAeq,(5 minutes)	55 dB Leq,(5 minutes)
Saturday August 2017	40 dB LAeq,(5 minutes)	55 dB Leq,(5 minutes)
Sunday August 2017	40 dB LAeq,(5 minutes)	55 dB Leq,(5 minutes)

\*\* At a distance of 2km or more from the festival site.

\*The termination hour of live unamplified music shall be 22:30hrs on a Sunday evening if it is not a Bank Holiday weekend.

- There shall be a residents contact hotline for reporting and responding to noise complaints throughout the course of the Event

In conclusion, the Chairman thanked those present for their contributions. He reminded them that interested parties, dissatisfied with a decision made by the Council, could appeal to the Magistrates' Court and that, in the event that difficulties were experienced, any interested party could seek a review of the Premises Licence.

The hearing closed at 1:10pm