

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 Monday 7 July 2014

PRESENT

Councillors: Mr N A MacRae MBE (Chairman), Mr E H James and Mr R A Langridge.

I. APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003 – WILDERNESS FESTIVAL, CORNBURY PARK

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 David McCalmont, the applicant confirmed that the application had been properly advertised and registered his intention to address the Panel. Ms Sue Dowling, solicitor, representing the applicant indicated her intention to address the Panel. Ms Dowling also advised that expert witnesses were available if required to answer any specific queries.

Councillor Ms Liz Leffman, Local Ward Councillor and Mr Nick Potter, representing Charlbury Town Council, then registered an intention to address the Panel.

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.

Mr MacRae 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 at this juncture to the Panel and no questions raised regarding the procedure by which the meeting would operate.

The Council's Licensing Officer presented her report outlining the application and advised that one letter of objection, three letters of support and representations from the local councillor and Charlbury Town Council had been received.

The Panel was advised that there had been significant discussion between the applicant and objector and proposed noise conditions were outlined. An email from Mr Hofman, the objector, who was unable to attend the hearing was read out. The main points raised were as follows:

1. The applicant will propose the attached amendments to the application. These are intended to deal with a number of issues of clarification and drafting I raised with Ms Dowling. Evidently the committee may have its own views about the proposed amendments, but from my point of view they are satisfactory, subject to what I say below.
2. I will not proceed with my objection to the replacement of the "inaudible" test for noise after 23:00 hours in the existing licence with two new tests based on decibel readings as set out in the proposed amended application. I have made it

clear to Ms Dowling that I do not think the decibel tests are the equivalent of the “inaudible” test. I have also pointed out areas of disagreement about the significance of the ‘Developing Retail’ case referred to by your legal officer and that it does not rule out an “inaudible” test, provided that it is made sufficiently clear what is meant by inaudible. However, I have told Ms Dowling that I am willing to wait and see how the proposed decibel tests work in practice, since the point at issue is not about decibels but about nuisance. If need be, there can be application for a review of the licence when it is seen how it operates in practice.

3. I respectfully request the committee to consider amending the proposed hours of licensed activities so that they finish at midnight on Sunday evening, not at 02:00 hours on the Monday morning as in the application.

The Council’s Licensing Officer confirmed that no objections had been received from responsible authorities.

The Council’s Legal Advisor then indicated that each case had to be considered on its merits and any conditions needed to be appropriate to the four licensing objectives, evidence based and proportionate. It was reiterated that the main area of contention was noise and relevant case law relating to appropriate conditions was reported.

Ms Dowling then addressed the panel in support of the application. Confirmation was given that additional papers prepared by the applicant had been circulated to all relevant parties ahead of the meeting.

Ms Dowling explained that the purpose of the application was to remove the Wilderness Festival from the extant Cornbury Park licence so that it was subject to specific conditions. Ms Dowling drew attention to a table in the additional papers showing the proposed conditions for the new licence compared to the Cornbury Park licence and the associated commentary in the document.

It was highlighted that the hours for Thursday evening were reduced whilst there was an increase in hours for regulated entertainment on other days. It was explained that the rationale behind extended hours was so that entertainment could be provided in some areas of the site thus reducing unofficial events on the campsite which could cause disturbance. It was emphasised that stringent noise conditions were proposed and no objections had been received regarding the hours.

In respect of noise Ms Dowling clarified that levels were banded so that lower thresholds were set for early in the day and late at night. Ms Dowling advised that there had been no objection regarding increased capacity and the site was big enough to accommodate more people. It was clarified that traffic management issues would need to be considered through the Safety Advisory Group (SAG).

Ms Dowling referred to a document containing revised conditions that had been sent to officers and interested parties including the objector. The Head of Democratic Services advised that as this had been received after papers had been circulated it would need to be considered as additional information. The Panel agreed to the document being submitted as part of the hearing.

Ms Dowling then went through the conditions in detail and reiterated that the responsible authorities were happy with them and there had been discussion with the objector to reach the current position.

Ms Dowling referred to comments by Charlbury Town Council seeking an earlier finish time on the Monday morning and suggested that this was not necessary as again regulated entertainment being allowed until 2.00am would reduce the potential for disturbance from the campsite area. Ms Dowling advised that there had only been a few complaints about noise in previous years. Ms Dowling drew attention to advice from the applicants consultants regarding noise issues contained in the additional papers.

In conclusion Ms Dowling highlighted the changes had been made to try and address concerns and that the proposed conditions gave greater control to the organisers. It was considered a sensible approach and there was significant local support for the event and there had been considerable consultation with the local community.

Mr MacRae sought clarification of the reasons for extending regulated entertainment to 4:00am and how this could reduce noise problems. Mr McCalmont reported that at previous debriefs of the event there had been complaints about noise from the campsite area. The layout of the site meant that these areas were closest to neighbouring properties. Therefore it was considered that offering low level controlled entertainment on the site in areas further away from residents would help reduce the potential for noise disturbance.

Mr Langridge referred to reference in a number of responses to fireworks being set off on the site. Mr McCalmont acknowledged that this issue had been raised previously and this would be addressed through the SAG.

Mr Clive Salisbury, Senior Environmental Health Officer (EP), advised that replacement of an inaudibility condition with specified decibel levels was supported by council officers. It was clarified that officers would be on site to monitor noise and having defined levels would provide a greater degree of control. Mr Salisbury acknowledged that extending hours to control noise appeared counter intuitive but the rationale provided by the applicant was supported by officers.

In conclusion Mr Salisbury advised that officers were supportive of the application as submitted and reiterated that all conditions would be monitored and they could be reviewed if necessary.

Councillor Ms Liz Leffman, Local Ward Councillor, then addressed the Panel and advised that her concerns had been allayed by the applicant's submission. Ms Leffman accepted that extended hours could help reduce noise problems from the campsite and having clearly defined decibel levels would make monitoring easier. Ms Leffman indicated she was happy to support the application.

Mr Nick Potter, representing Charlbury Town Council, addressed the Panel and advised that he was a member of a band that played at the festival but received no payment.

Mr Potter reported that Wilderness was an award winning festival and attracted a lot of people and trade to the area. Mr Potter highlighted that a lot of events had been held on the site and there had previously been issues relating to noise and traffic. Mr Potter suggested that continued liaison with residents and local organisations was important in addressing problems.

Mr Potter indicated that the proposed conditions had been the subject of significant consultation including a meeting with local residents. Mr Potter advised that the town council was supportive of a stand-alone licence and that this was considered to be an improvement on the previous situation. There was no objection to the increase in capacity. Mr Potter advised that the matter being discussed by the Panel was positive as it was a big event and all issues needed to be fully considered in a transparent way.

Mr Potter advised that there was still some concern regarding noise levels and times when regulated entertainment was allowed on the site. Mr Potter suggested that previous problems had not been purely associated with the camping area but there had also been problems from some of the smaller stages. Mr Potter concurred that defined noise levels was a positive change. Mr Potter indicated that some noise problems had occurred as some events were not directly organised by the festival but were sub-let to others.

Mr Potter emphasised the need for the fireworks issue to be addressed and a number of residents were unhappy with the 2.00am finish on the Monday and a midnight finish would be preferable. Mr Potter highlighted the submission by the objector and that the legal and technical issues raised needed careful consideration. Mr Potter concluded by indicating that the festival had generally been well run but there were issues to be considered such as fireworks, traffic and signage.

Mr McCalmont acknowledged that in the first year of the festival one event had been outside of the organisers control but this was no longer the case and all events were directly managed. It was reiterated that noise experts were on site at all times to monitor levels.

Ms Dowling then summarised the applicant's case and suggested that the case for extended hours had been made, there had only been one objection and there was a review process if problems occurred.

Ms Dowling acknowledged the concern that the application had been somewhat late in coming forward but emphasised the significant amount of consultation with responsible authorities and local residents that had taken place. Ms Dowling advised that defined decibel levels was becoming the norm for such events and drew attention to a table demonstrating this in the papers.

In conclusion Ms Dowling reiterated that a separate licence for the Wilderness Festival would be positive for all concerned.

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

RESOLVED: That a premises licence be granted for the activities, days and hours sought in the application, as amended, and as set out in the operating schedule.

The conditions being as follows:-

Licensable Activities Authorised by the Licence:

Plays, films, indoor sporting events, live music, recorded music, performances of dance, making music, dancing, anything of a similar description, late night refreshment and supply of alcohol.

Times that the Licence authorises the carrying out of Licensable activities (subject to conditions below):

Plays, films, indoor sporting events, live music, recorded music, performances of dance, making music, dancing, anything of a similar description:

Thursday: 10:00 to 23:00

Sunday 10:00 to 02:00

Friday and Saturday 10:00 to 04:00

Late night refreshment:

Monday to Sunday 23:00 to 05:00

Supply of alcohol:

Monday to Sunday 00:00 to 00:00 (24 hours)

Opening Hours (subject to conditions below):

One period of 5 days (from Thursday to the following Monday) per annum (precise dates to be notified to the Responsible Authorities at least 3 months in advance of the proposed commencement of the Festival): 00:00 to 00:00 (24 hours)

Period of the Licence: 5 years commencing July 2014 to September 2019

Maximum capacity: 29,999

Applicable Conditions (in addition to Mandatory conditions)

Subject to the associated, but separate, minor variation application relating to the Cornbury Park Licence: PREM 467, this new Premises Licence for Wilderness Festival shall be issued subject to the following specific conditions:

As per Operating Schedule plus:

- 1) Licensable activities at the Premises will be limited to one event per annum namely Wilderness Festival (the "Festival") and will not be for general use.
- 2) The Festival will be limited by and/or subject to the following conditions:
 - (a) The Festival shall not run for a period exceeding 3 consecutive event days (a 'day' being 24 hours) with the exception that it can run for a preceding 4th day when the licensable activities may take place with the exception of regulated entertainment in the Main Arena.
 - (b) Where the capacity is expected to exceed 5000, a designated 'Main Arena' shall be identified and the hours of regulated entertainment in the Main Arena will be limited to 10:00 to 23:00 on each day of the Festival (with the exception of a preceding 4th day when regulated entertainment cannot take place in the Main Arena).
 - (c) Any 'fairground' entertainment at all events irrespective of size shall cease at 23:00. Arrangements for the use of PA systems (except in the

event of an emergency) shall be approved by the Safety Advisory Group.

- (d) The following Regulated Entertainment noise levels will apply to the Festival, as provided in condition 2(e) below:

Higher level: This level is 65 dB (LAeq 15 min) determined at one metre from the façade of any off site noise sensitive premises or in either the 63 Hz or 125 Hz octave frequency bands 75 dB (Leq 15 min) determined at one metre from the façade of any 'off site noise sensitive premises' at a distance of 2km and beyond from the site.

Lower level: This level shall not exceed 44 dB (LAeq 15 min) or 44 dB (LAeq 5 min) 23:00 - 07:00hrs determined at one metre from the façade of any off site 'noise sensitive premises' or, in either the 63 Hz or 125 Hz octave frequency bands, shall not exceed 65 dB (Leq 15 min) determined at one metre from the façade of any off site noise sensitive premises at a distance of 2km and beyond from the site.

Minimal level: This level (which for outdoor regulated entertainment activities will be restricted to acoustic and/or unamplified music and song but for indoor regulated entertainment activities, may also include amplified music) shall (in all cases) not exceed 40 dB (LAeq 5 min) determined at one metre from the façade of any off site noise sensitive premises and, in either the 63 Hz or 125 Hz octave frequency bands, shall not exceed 55 dB (Leq 5 min) determined at one metre from the façade of any off site noise sensitive premises at a distance of 2km and beyond from the site. For clarity, this applies to all live and recorded music.

- (e) Regulated Entertainment noise levels shall be limited to the following hours and levels of regulated entertainment noise (as provided in condition 2(d) above):

On the Thursday (4th day): Lower level: 10:00 to 23:00

Friday and Saturday: Lower level: 10:00 to 14:00
Higher level: 14:01 to 23:00
Lower level: 23:01 to 02:00
Minimal level: 02:01 to 04:00

Sunday: Lower level: 10:00 to 14:00
Higher level: 14:01 to 23:00
Minimal level: 23:01 to 02:00

- (f) The premises licence holder shall identify to the licensing authority a nominated person and telephone number for the receipt of complaints about licensed events, which complainants can use to lodge their complaint during or after events. The licence holder shall keep a written record of all complaints including the time of complaint, cause of complaint and complainant information. The written record shall be made available to the Licensing Authority on reasonable request.

- (g) Details of all outdoor concert events shall be submitted to the Safety Advisory Group (SAG) at least 3 months in advance of the proposed event.

- (h) “Off-site noise sensitive premises” shall include premises used for residential purposes, hospitals or similar institutions, education establishments (when in use), places of worship (during recognised times and days of worship) and any premises used for any other purposes likely to be affected by music noise.
 - (i) “Indoor” shall mean inside any temporary building, tent, marquee or similar structure
- 3) The Premises Licence Holder must notify the Licensing Authority at least three months in advance of the proposed Festival.
 - 4) The Premises Licence Holder will liaise with the Safety Advisory Group (SAG) appointed by the Licensing Authority and shall comply with the requirements of that Group.
 - 5) The Premises Licence Holder must notify the Licensing Authority at least three months in advance of the proposed Festival of historical and estimated attendance figures for the Festival.
 - 6) The Premises Licence Holder must notify the Licensing Authority at least two months in advance of the proposed Festival of the proposed measures that will be taken to reduce the impact of activities upon the Licensing Objectives.
 - 7) At least three months in advance of the proposed Festival, the Premises Licence Holder shall submit a traffic management policy to be agreed with the Licensing Authority, Oxfordshire County Council, and Thames Valley Police, which takes into account the arrival and dispersal of trade stands and all other ancillary infrastructure associated with events

In advising of the decision the Chairman highlighted the significant amount of consultation and discussion between various parties in advance of the hearing and that this had been beneficial in reaching a satisfactory position with the application.

The Chairman advised that the Panel wanted the Safety Advisory Group to consider the issue of fireworks being used on the site as part of their deliberations.

Mr MacRae reminded all present that the licence could be the subject of review at any point.

The hearing closed at 10.55am