

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of **LICENSING SUB COMMITTEE E** held on Monday 30 June 2014 at 10.30am in the Council Chamber, Tiverton Town Hall

### **Present**

**Councillors:** R J Chesterton, T G Hughes and D J Knowles  
(substituting for M R Lee)

### **Also Present**

**Officers:** P N Williams (Head of Environmental Services), S Johnson (Legal Services Manager), T Keating (Licensing Officer) and S J Lees (Member Services Officer)

### **Declarations of Interest**

**Councillors:**

Member	Minute No	Type of Interest
M R Lee	2	Personal

## 1 **CHAIRMAN – ELECTION**

**RESOLVED** that Cllr T G Hughes be elected Chairman of the Sub Committee for the meeting.

Cllr Hughes then took the Chair.

## 2 **DETERMINATION OF A PREMISES LICENCE FOR ‘SUNSET FESTIVAL’ AT EAST PIDSLEY FARM, SANDFORD**

Consideration was given to a report \* from the Head of Environmental Services containing relevant information in relation to an application that had been received for a time-limited premises licence for an event known as ‘Sunset Festival’ at East Pidlsey Farm, Sandford.

The Chairman introduced the Members and Officers present.

Members of the Sub Committee declared no interests in respect of the application.

The Sub Committee agreed that the hearing be held in public.

The Licensing Officer outlined the contents of the report and listed the representations received from the Responsible Authorities and Other Interested Parties. He asked that those present who had made a representation and who wished to speak at the Hearing to introduce

themselves. A map identifying the site in question and the locations of the properties whose owners had made representations was circulated. He also informed those present that the Sub Committee Members had attended a site visit on 26 June 2014 in advance of the Hearing.

The Applicant (Mr Andrew Cornforth) introduced two of his colleagues from the 'Sunset Festival' Management Team, Mr Duncan Thomas and Mr Dan Symons. He explained that the previous two events on this site had led them to consider that the location had a capacity to hold a much larger number of people. He was asked whether the County Council had been approached regarding whether a one way system on the roads surrounding the site would be possible. It was explained to the Applicant that during the site visit the Members attending had driven their vehicles in a convoy and had stopped to look at the river running at the bottom of the site and as a result had completely blocked one of the roads causing a backlog of traffic. Mr Cornforth stated that they had been in dialogue with the County Council but had not submitted an application yet. He stated that if an emergency situation arose the event organisers would prevent their guests from leaving in order to allow the necessary access and exit for emergency vehicles.

The Applicant was also questioned regarding the lack of a mobile phone signal at the site. He replied by stating that the intention was to have a hard line from the nearby farm house and that they were also looking at options for either hiring or purchasing a satellite phone.

Mr Duncan Thomas, Sound Manager for the event, was then questioned as to what monitoring would take place to keep noise levels within an acceptable decibel range. It was explained that there would be four monitoring points with regular readings being taken and limiting equipment installed to adjust the levels. They stated that they had learned some lessons following complaints about noise last year and had sought advice from 'Acoustic Dimension' a professional advisory service.

The Chairman stated that the main area of concern related to security of the site. The event area was extensive, with a large perimeter and had a public footpath running through it. In addition there was a stream at the bottom of the site which would prove hazardous to guests under the influence of alcohol or illegal substances. He asked what assurances could be given regarding keeping out non-paying guests given the extent of the unfenced perimeter. It was explained that all access and exit points would be marshalled. The event organisers had no reason to believe that there would be instances of crime and disorder during the event and that whilst the application had stated a wish to have a licence for up to 1500 people, in reality the event would probably attract no more than 800 guests. "Heras fencing" would be erected at vulnerable spots along the perimeter edge. Regarding the stream they had a landworks schedule and would be installing an iron bridge. It was further explained that a reputable security company had been engaged to provide security cover during the event and they could be called upon to provide additional security personnel if required. Additionally they had had lengthy discussion with Fire Station officers in Crediton and had been assured that fire engines would be able to move up and down the steep and sloping terrain. All marquees were fire proofed and accurate records in relation to preventing fires would be kept. Should there be flooding, there was a plan in place to lay down a temporary floor cover.

The Licensing Officer asked the event organisers to provide an update in relation to outstanding documentation. Specifically this related to the fact that the security provider had yet to visit the site and conduct his own assessment. Written assurances also needed to be provided regarding medical cover. A road traffic order had yet to be applied for as had an order to temporarily close the public footpath. During the discussion which followed there appeared to be a conflict of opinion in relation to how long the County Council needed to issue such orders. It was later confirmed that a closure order could be received for a maximum of 3 days and could only be applied for once in any twelve month period. The Applicant stated that he had been told by the County that they were prepared to be flexible on the 3 month's required notice for a road traffic order.

Mr Ian Winter, Environmental Health Officer for the Licensing Authority was asked to provide advice regarding World Health Organisation acceptable noise levels. He was asked to explain what lessons had been learned in the past regarding noise levels at Sunset Festival events. He explained that there had been a major failing of communications with local residents. Monitoring results did not tie up with the number of complaints received. His advice to the organisers had been to formulate a robust complaints system to provide an audit trail and to demonstrate that action had been taken. Mr Duncan Thomas stated that all noise levels had remained below the thresholds last year. This year they would also be able to install limiting equipment to reduce levels created by over zealous DJs.

When questioned about the drugs policy the Applicant stated that there would be a zero tolerance policy in place with random searches taking place both at the point of entry and on the event site more generally.

The Chairman then asked for each of the Responsible Authorities who had made representation to come forward and provide their evidence starting with the Police. Acting Inspector, Jane Alfred Mole, Licensing Officer, Lesley Carlo and Mike Norsworthy, Police Sergeant, were present and listed the following as areas of concern:

- Perimeter fencing had yet to be erected, despite the event only being eight weeks away, no details had been provided as to the type or precise location of this fencing;
- In their view security numbers were not sufficient and they were not confident that unwelcome guests could be kept out;
- The security company had not yet visited the site;
- Some crime and disorder had taken place at the last event in terms of theft;
- The drugs policy required clarity, for example, what would happen to any drugs that were seized and what would happen to the people on whom drugs were found?;
- Police resources were limited and they could not be expected to attend the event every time drugs were found;
- On a site visit they had been unable to use their mobile phones and the airwaves needed for Police radios had cut in and out and were very intermittent; this presented a serious risk factor for the emergency services;
- As the security company had not yet visited the site how did they know that their radios would work?;

- The Public Rights of Way Officer had been contacted at Devon County Council and had confirmed that the public footpath could only be closed for a maximum of three days, however, the event was planned for five days. This meant that there could potentially be members of the public on the site that could not be accounted for;
- The Applicant had stated that there would be a 'schedule of works' regarding fencing off the stream but no details had been provided and the proposed event was only eight weeks off;
- The gradient of the land was very steep meaning driving Police vehicles across it would be almost impossible especially in wet conditions;
- Any rain would make the site difficult to access and navigate given the its steep sided nature;
- Although they had not received any intelligence the site presented itself as an ideal location for an 'illegal rave' and with social media, news concerning its occurrence could spread very quickly.

The meeting adjourned at 12.30pm for a lunch break and reconvened at 13.15pm.

Mr Tom Jones, from the Licensing Authority was then asked to summarise his concerns:

- The Safety Advisory Group had determined that the person asked to carry out the risk assessments for the event was not suitably qualified or deemed as 'competent';
- The risk assessment had missed many points such as the water course, the livestock and lack of communications;
- The Licensing Act 2003 required that all measures to meet each of the Licensing Objectives should be clearly stated and explained at the application stage, however, despite there only being eight weeks left before the start of the event much of the detail was still missing and many questions remained unanswered;
- A fire risk assessment from another event had been used in the documentation and in his view this was inexcusable.

Ms Gill Unstead, a representative from the County Council's Drug and Alcohol Action Team summarised her concerns:

- The drugs policy wasn't really a 'policy' it was a series of statements;
- In the documentation relating to the security arrangements there were no references to illegal substances or the use of psychoactive substances and how this would be managed;
- Whilst there was reference to people 'under the influence' needing a safe place to recover and receive support, there were no details regarding trained medical personnel or drugs and alcohol workers being employed.

The Chairman then invited 'Other Persons' to provide their evidence starting with Sandford Parish Council. Ms Shauna Waller, Chairman of Sandford Parish Council and Cllr Mrs Margaret Squires stated that the previous two events had created a great deal of concern for local residents especially in relation to noise. There had also been instances of trespass, vandalism, theft and arson. Predicted numbers of guests to the proposed event could be three

times as many as before with three times as many vehicles blocking up very narrow lanes with few passing places. Livestock had been affected on the previous occasions and severe sleep deprivation for many had ensued. There was a strong farming community within the vicinity of the site with many tractors on the surrounding roads especially at that time of year when farmers were harvesting. It would take some time for an emergency vehicle to get to the rural site and it would then have to deal with the difficulties associated with the road system.

Cllr Michael Lee was then asked as Ward Member to state his concerns. These centred largely on traffic issues and the higher than normal numbers of tractors and trailers on the roads at that time of year. He also stated that at the public meeting set up by the event organisers, only one person present had been in support of the event going ahead, the rest all objecting to it.

Ms Susan Crosby, who lived at Stones Hill Cottage which was situated on the main road to the festival site stated that previously the excessive noise had been continuous and that potentially it could last for up to 16 hours a day for 5 days if the licence application was granted. The Applicant informed the Committee that essentially the music would only last for 3 days with a day at the start and a day at the end to allow for people arriving and leaving which would alleviate any traffic problems.

Mr Michael Brett spoke as a representative from the Festival Action Group highlighting the following issues:

- 75% of local properties had been visited by the Action Group and 80% of these had expressed concerns;
- Noise issues proved a major concern;
- In 2013 the Music Management Plan had not been successfully delivered;
- The proposed 'psytrance' music had an unrelenting rhythm;
- The previous complaint handling process had not worked;
- The Action Group did not have any confidence that there was an ability or a 'will' from the event organisers to control the noise;
- What penalties would apply if they breached the conditions of the licence?
- It was suggested that a 'security bond' be paid up front;
- Noise monitoring should be undertaken by an independent party not the event organisers themselves;
- If there was a problem how could residents report it to the Council for action given that the event would be happening on the Bank Holiday weekend, outside of office hours?;
- The health of some local residents had been negatively affected by even the thought of such an event happening again.

Mr Richard Johnson, also spoke as a representative from the Festival Action Group. He stated that local residents were reasonable people who did not want to be viewed as 'bullying' or against people having fun. Much distress had been caused over the past two years. There were serious health and safety factors such as farmers operating dangerous machinery suffering sleep deprivation. A local bed and breakfast business had lost income as a result of past events and the health of nearby livestock had been affected due to the stress of the noise. The topography of the site meant that sound

was amplified. He asked why if the festival was supposed to be a 'benefit to the community' as stated in their documentation had there not been an approach to place advertisements on the Parish Council website. Finally he asked why the wishes of the event organisers were being put before local residences.

Mr Peter Austin, who lived at North Creedy Cottage, stated that he had walked out of the public meeting held by the event organisers for the local community. He had taken exception to what he perceived to be a suggestion that local residents 'go away' for the weekend. He had no confidence that the Applicant would be able to adhere to the Event Management Plan. He stated there was a care home nearby that looked after people with learning difficulties and it could be necessary to have to relocate them should the event go ahead as last time some distress had been caused. Noise had been heard over televisions even with double glazed windows closed. He stated that it had even been heard in Crediton itself.

The Chairman then asked all parties (applicant, Responsible Authorities and 'Other Persons') if they would like to summarise their key points. Both Jayne Alford-Mole from the Police and Tom Jones from the Licensing Authority did so.

Members of the Sub-Committee withdrew to consider their decision.

**RESOLVED** that the application be refused based upon concerns relating to the following Licensing Objectives:

(i) The prevention of crime and disorder

The Sub Committee considered the objections made by the Police and in particular their concerns regarding site security. They were not satisfied that the site could be adequately secured especially with regard to the public footpath. The Committee noted that even at this late stage no formal application had been made to Devon County Council for a closure order. The Committee were also concerned regarding the limitation of communications on the site and in particular the intermittent availability of air wave signals for the emergency services. The Committee also felt that there was a lack of clarity regarding the drugs policy and any resulting enforcement action;

(ii) Public Safety

The safety of the public would be compromised as a result of an inability for emergency vehicles to enter and

exit the site. The topography of the site and the road system around the perimeter made access potentially hazardous. The Committee also had concerns regarding the lack of detailed plans to erect appropriate fencing either side of the river;

(iii) The prevention of public nuisance

It was very clear from the representations made by local residents that the noise levels on the previous two 'Sunset Festival' occasions were intolerable. The Sub Committee had no confidence in the Management Team being able to adhere to the Sound Management Plan.

(Proposed by the Chairman)

Notes: (i) Report previously circulated; copy attached to signed Minutes;

(ii) Cllr M R Lee declared a personal interest as his farm land was adjacent to the majority of the site and he owned property nearby.

(The meeting ended at 4.00pm)

**CHAIRMAN**