

## **Minutes of a meeting of the Licensing Sub-Committee held on 22<sup>nd</sup> May 2017 at Pippbrook, Dorking from 10.00 to 12.15.**

Sub-Committee Members Present: Councillors Metin Huseyin, Charles Yarwood and Paul Elderton.

Also Present: Joe Miles, Laurence Woolford, Peter Edwards, Jacqueline Spall, Robert Sawdon, Rob Ivens

### **1. Election of Chairman**

Councillor Metin Huseyin was elected as Chairman of the Sub-Committee.

### **2. Disclosure of Interests**

None.

### **3. Application for the grant of a Premises License: Vann Fest at Vann Farm (Rear Field), Vann Farm Road, Ockley, Surrey, RH5 5TF**

The Sub-Committee received the report which asked it to consider the Application for the grant of a Premises License for Vann Fest at Vann Farm (Rear Field), Vann Farm Road, Ockley, Surrey, in light of and having regard to the application and other representations received.

Joe Miles (The Applicant) attended the hearing, having previously had a Temporary Event Notice (TEN) granted for Vann Fest for the current year.

Peter Edwards and Laurence Woolford attended the hearing to represent the local residents (Other Persons).

Rob Ivens, Environmental Health for Mole Valley District Council (Responsible Authority), attended the hearing to discuss concerns regarding noise.

The Senior Licensing Officer introduced the report as set out with the previously circulated agenda.

The Chairman invited the Applicant to present their case for Application for the grant of the Premises Licence to the Sub-Committee.

The Applicant explained that he wishes to run Vann Fest annually, as a small, family festival with proceeds donated to charity. The Applicant also highlighted that he has recruited Security Industry Authority (SIA) registered security staff to prevent crime and disorder. It was acknowledged that there were no Health and Safety or fire issues.

Referring to last year's event, local residents alleged that the Applicant did not follow the times outlined for noise in the TEN, while the Applicant disputed this. He further stated that he has been in contact with an acoustic company to formulate a noise management plan, which aimed to address the concerns of local residents. The Applicant confirmed that the Application was for the following times on Saturday:

Live Music: 12.00 – 23.00

Supply of Alcohol: 12.00 – 23.30

The Sub-Committee questioned the Applicant regarding the number of ticket sales. The Applicant confirmed that ticket numbers would be capped at 1500 across the 3 day event. Tickets were available for advance purchase and would be available on the day, capped in relation to the number of advance tickets sold.

The Sub-Committee further questioned the Applicant regarding security arrangements, as the SIA registered security staff would not be present overnight. The Applicant stated that he has provided stewards overnight and does not anticipate any problems at this time due to the family nature of the event.

The Other Persons highlighted that they had not received sufficient communication from the Applicant regarding the upcoming event. The Applicant explained that he had approached the Ockley Society and assumed that this would inform the local residents. Laurence Woolford stated that he believed that the Applicant was deliberately misleading in his Application, as he indicated that he had contacted neighbours and no problems were raised. Laurence Woolford reiterated that neighbours were not contacted.

The Responsible Authority (Rob Ivens, Environmental Health) presented their report. Rob Ivens noted that the documentation submitted was inadequate, insufficient and not supplied in a timely manner. Furthermore, Rob Ivens stated that he believes there has been poor engagement from the Applicant throughout the process. He highlighted that the Applicant has not provided detailed, technical information about how noise will be monitored and controlled, thereby increasing the risk of noise disturbance. It was noted that these issues could be overcome with a noise management plan. The Applicant confirmed that an acoustic management expert has been contracted to address these concerns. Rob Ivens stated that an Event Management Plan, with a specific noise management plan would overcome the issues raised. Additionally, presenting this to a Safety Advisory Group (SAG) was recommended.

The Other Persons then presented their case. Peter Edwards, a neighbour of the Applicant, raised concerns about emergency access as it is a single track road, and further expressed surprise that no representations were made by emergency services. Further concerns were raised for the safety of pedestrians and the poor visibility at the junction with the A29. Peter Edwards also raised concerns about noise disturbance and lack of communication, requesting that the committee reject the application. Laurence Woolford, also a neighbour of the Applicant, also raised concerns about noise disturbance and noted the lack of communication. Referring to the 2015 event, Laurence Woolford noted that damage was caused to his property and people had urinated in his garden. It was further noted that reports were made to Environmental Health at Mole Valley District Council and to the Police on 101. The Sub-Committee acknowledged that Surrey Police had conducted a site visit and no representations were made regarding the event.

The Applicant addressed the concerns about noise, highlighting that the direction of the stage has changed to face away from residential properties. Additionally, it was noted that there would be an acoustic stage that would not be amplified. The Applicant also explained that parking would be in a separate field with stewards to reduce disruption.

The Sub-Committee asked the Other Persons what could be done to overcome their concerns. Peter Edwards highlighted that a restriction on the time that music could be played would be helpful. Laurence Woolford highlighted that proper engagement with the process is important and communication with local residents would be appreciated.

In closing remarks, the Applicant stated that he would be happy to comply with conditions that the Sub-Committee would feel appropriate.

The Applicant and the Members of the Sub-Committee were given the opportunity to ask further questions of the Other Persons. The Applicant and the Other Persons were then each given the opportunity to sum up their case.

The Sub-Committee subsequently withdrew from the room to consider its decision at 11.05, in light of and having regard to the evidence put forward at the hearing.

The Sub-Committee returned to the Council Chamber to deliver its decision at 12.05.

**RESOLVED:**

1. That the application for a Premises License for Vann Fest, Vann Farm would be granted, with the following conditions:
  - a. A scheme of noise assessment and mitigation shall be submitted to and approved in writing by the Council's Environmental Health department. The scheme shall be written by a suitably qualified person and shall determine a boundary noise level that will ensure that the music noise level will not exceed 65dba over a 15 minute period 1m from the façade of the nearest adversely effected noise sensitive premises. The scheme shall also ensure provision of a suitably qualified person and a type 2 noise meter to automatically record and report relevant noise monitoring data in an agreed scheme over the duration of the festival.
  - b. The holder of the premises licence, or an agent on behalf of and under the authority of the licence holder, shall produce an event safety and operational plan (hereinafter referred to as 'ESOP').
  - c. The ESOP shall, amongst other matters, address the methods by which the licence holder proposes to manage the following matters in accordance with the licensing objectives:
    - crowd safety
    - risk assessment
    - procedures in the event of emergency
    - regulation of the number of persons on the event site, ticket sales and conditions of entry
    - traffic management
  - d. The ESOP shall be revised on an annual basis. A draft version of that document shall be circulated to all responsible authorities, and to the Licensing Authority not later than 120 days before the start of event.
  - e. Following the circulation of the draft ESOP, the licence holder, or an agent on behalf of and under the authority of the licence holder, shall consult with all responsible authorities and shall take due account of any representation made by a responsible authority regarding the content of the document including attending at reasonable notice a safety advisory group meeting if the Licensing Authority requires one to be convened.

- f. The ESOP shall be finalised to the satisfaction of the Licensing Authority not later than 28 days before the start of the event and shall be circulated in final form to all responsible authorities and to the Licensing Authority.
  - g. The licence holder shall comply with the terms of the ESOP at all times
  - h. At least 7 days prior to licensable activities involving music, such activities shall be notified to local residents via written notice which shall include a contact name and telephone number via which complaints about noise can be made on the day of the event. During operating hours, the licensee or nominated representative shall be available to receive and respond to nuisance related complaints. A log of complaints shall be kept and any corrective action recorded and the log shall be provided to the Licensing Authority within 3 working days of the end of the event.
2. Should licensing related issues continue in spite of these measures, the Council's Environmental Health department should be informed. Additionally, in the case of criminal behaviour, the Police should be informed.

**Reason for Decision:**

In reaching its decision, the Sub-Committee considered the Council's own Licensing Policy, and the written and oral representations received from the Applicant, Other Persons and Responsible Authorities. The Sub-Committee was mindful that in accordance with the Secretary of State's guidance issued under Section 182 of the Licensing Act 2003, they are under a duty to uphold the fundamental licensing objectives of Public Safety and the prevention of Public Nuisance.

The Sub-Committee recognised that this event could cause inconvenience to local residents, but hoped that the conditions imposed would mitigate this. The Sub-Committee further recognised that the Applicant would have difficulty meeting all the conditions for the event in 2017 but nevertheless expected a high level of compliance from the Applicant.

The Sub-Committee was cognisant, in particular, of the need to promote the licensing objectives, in accordance with the Secretary of State's guidance issued under Section 182 of the Licensing Act 2003.

The Chairman reminded all Parties that there was a right to appeal within 21 days of receiving the written notice of the Sub-Committee's decision.

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Chairman