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Licensing Sub-Committee - 16/04/14

LICENSING SUB-COMMITTEE

Wednesday, 16th April, 2014

Present:- Councillor Hambleton – in the Chair

Councillors Mrs Bates and Mrs Winfield

1. **APPLICATION FOR A REVIEW OF PREMISE LICENCE - BETLEY COURT FARM, MAIN ROAD, BETLEY**

Having taken into account the licensing Act 2003 and the guidance issued under Section 182 of the Act, the Council's Statement of Licensing Policy and also the fact that a local Councillor had requested a review of the premise licence to promote the licensing objectives relating to the Prevention of Public Nuisance and Public Safety, the Committee have considered the relevant licensing objectives and also relevant representations both in favour and against the premises licence and have listened to the arguments and are persuaded that action does need to be taken by the Licensing Authority under its statutory powers to promote the licensing objectives.

Much has been said by the applicants about the nuisance caused during the Junction 16 event last year (2013). Noise nuisance over the three day event was unacceptable as a result of the sound from speakers being directed into Betley village and it has been ascertained that the noise management plan agreed prior to that event had not been adhered to. It was apparent that feelings over the proposed new event this year was mixed and certain residents were happy to achieve a compromise. Concern was expressed that policing in the village was totally inadequate and that further policing was necessary to prevent anti-social behaviour.

The use of Common Lane as an access and egress from the event site also caused considerable problems last year and residents expressed the view that patrons of the event had no legal right to use the highway and if it was used then it should be used at no inconvenience to the residents adjoining the lane. Further, residents had been advised that the event organisers were willing to work with the public in relation to the proposed event but that thus far it had not happened.

It was suggested that the volume of vehicles accessing and exiting the site brought their own problems in that the area became gridlocked which in itself made a traffic management plan necessary for the proposed event. Some residents were also concerned the length of the proposed event being over three days and also the sound testing which caused considerable noise inconvenience including the disruption of a church service on the Sunday morning.

In response to the evidence given a spokesman for the event organisers stated that they had been brought into the organisation of last year's event rather late in the day and that arrangements made were chaotic. They were involved in firefighting. He did however, confirm the organisers commitment to working with the residents and that had they been employed earlier there would have been no complaints of this nature.

It was confirmed that this year Common Lane was only proposed to be used for a limited time at the end of the event to take pressure off the roads and they were

proposing a proper management plan with traffic lights. There was no intention of causing inconvenience to residents.

In accordance with the existing licence conditions it was confirmed that the event organisers would be working with the Safety Advisor Group which had representation from Environmental Health, Staffordshire Police, Northern Licensing Unit of the Police, the Fire Department, Staffordshire County Council Highways Department and Staffordshire Ambulance Service to ensure that necessary improvements were made to the organisation of the event.

It was also confirmed that the event organisers had employed an independent company to undertake noise monitoring as there had been no noise limit referred to in last year's licence. They had also been working with Environmental Health in this regard. It had also been confirmed that consultants had been employed in connection with the orientation of the speakers with a view to limiting noise.

It was further confirmed that sound testing should not occur this year on the Sunday morning and that the event organisers would work around church services. It was intended this year to keep residents informed and there would be a dedicated noise nuisance number to call. If such a call was made then noise measurements would be taken.

The event organisers had stated that the Safety Advisory Group were the experts and that their recommendations would be adhered to but they would be putting a noise limit in their management plan to show their commitment to the community. Whilst this was considered a positive step by residents they wanted to see what the noise monitoring arrangements were now.

Environmental Health confirmed that there was to be a noise management plan and that compliance monitoring would take place but that locations had not yet been agreed.

Residents also expressed concerns about the lack of toilet facilities for people entering the site last year. The event organisers confirmed that this should not be a problem for the residents this year as the event timing would be looked at in terms of when people arrived at the site.

Having regard to what had been said the event organisers were of the opinion that there was adequate provision in the current licence to deal with noise problems and that a noise management plan would be agreed with Environmental Health prior to the event taking place. At this stage it was submitted that it was inappropriate to go into detail about the plan proposals.

A traffic management plan would be agreed with the Safety Advisory Group and the event organisers would pay for two police officers in the area before and after the event. The issues regarding the use of Common Lane would be dealt with at the Safety Advisory Group.

Having regard to the evidence the Committee, in accordance with the guidance at 11.19, considered the range of powers available to the Licensing Authority for it to exercise for the promotion of the licensing objectives and decided that the most appropriate course of action would be to modify the conditions of the premise licence in view of the concerns expressed the regard to noise nuisance. This remedial action was considered appropriate and proportionate and directed at the causes of the concerns in that regard.

Accordingly, the Committee decided to impose the conditions referred to below for the following reasons:

Firstly, because negotiations were not sufficiently advanced with the Safety Advisory Group to control any potential public nuisance.

Secondly, that the conditions provide clarity as to what the noise management plan needs to contain and the level of detail required.

Thirdly, various approved plans which were agreed last year were not complied with and it was felt that certain noise matters need to be made more explicit and;

Finally, it was felt that the residents ought to have prior information as to what the proposals were.

The conditions which the committee decided to amend and impose are:

GENERAL:

New Condition

The licensable event shall not proceed where the required management plans required by the licence have not been approved by the relevant responsible authority in advance of the event. Thereafter, the approved policies and procedures shall be observed in full for the duration of the event, with any variation being made following formal approval from the relevant responsible authority. The required management plans and procedures relevant to this condition are:

The Event Management Plan
The Noise Management Plan
The Traffic Management Plan
The Lost Children Procedure
Child Protection Policy
Food Hygiene Procedures
Policing and Security
Alcohol Sales

Amendment to condition 1

The following words to be added at the end of condition 1, following the words..... for events of over 500 people.... "thereafter, the approved Event Safety Plan shall be observed in full. Subject to the Head of Environmental Health being satisfied, written approval will be given no later than one month in advance of the event taking place. Any modifications only being made with the prior written consent of the Head of Environmental Health.

NOISE:

Remove conditions 20 to 21 and replace with the following:

1. The "Permitted Music Noise Level" shall not exceed 65 d BLAeq (15 min) free field when assessed at any noise sensitive premises in Betley.

2. At least three calendar months in advance of the event taking place each year, submit to the Environmental Health Department a “Event Noise management Plan” for prior written approval in advance of the event taking place. Thereafter, the approved noise management plan shall be observed and complied with in full. Subject to the Head of Environmental Health being satisfied, written approval will be given no later than one month in advance of the event taking place with any modifications only being made with the prior consent of the Head of Environmental Health. For the avoidance of doubt the noise management plan shall include the following elements:

Shall clearly define the measures to be taken to achieve (e.g. Sound propagation, calculation, mapping or similar) and ensure compliance (e.g. manned monitoring locations, remote monitoring with feedback system to the sound mixing desk) with the “Permitted Music Noise Level”.

Shall clearly define the continuous noise monitoring arrangements and locations to be monitored, to determine compliance with the “Permitted Music Noise Level” for the full duration of each performance.

Shall specify the operator competency and type of noise monitoring equipment to be utilised. Measurements shall be undertaken on a real time basis for the full duration of the event.

Shall clearly define the arrangements to secure compliance with the “Permitted Music Noise Level” throughout the event and the organisational management to secure the same. Where the “Permitted Music Noise Level” is breached, details of corrective action shall be appropriately documented.

Shall clearly define the arrangements for receiving and responding to complaints from the community about noise and other issues associated with the build-up and clearance of the site infrastructure and the event itself.

All complaints shall be documented with the date and time of receipt, contact details for the complainant, details of the person receiving the complaint, details of the investigation made and the date and time of any feedback given to the complainant.

Submit an event timetable including times and dates for the erection and dismantling of site infrastructure, sound propagation and speaker tests, sound checks, time of the first chord and the last chord for each day.

3. The main points of the Noise Management Plan shall be made available to the public at least 21 days in advance of the event and for the full duration of the event.
4. Not later than 21 days in advance of the event taking place each household and business within the vicinity of the site shall be provided with details of how to make a complaint about event related noise and other issues along with a “community production schedule” detailing when the following activities are scheduled to take place. In devising the “community production schedule” all

reasonable steps shall be taken to avoid any conflict with religious services taking place at the nearby church.

Erection and dismantling of the site infrastructure (not to be before 7.30am or after midnight on any day.

Timings for sound prorogation and speaker tests (Friday 10.00am to 3.00pm, Saturday 11.00am to 1.00pm and Sunday 1.00pm to 3.00pm).

Time of the first chord and time of last chord. (To be inside licensed hours)

5. Within one calendar month of the event taking place, a full "Noise Report" prepared by a technically competent person shall be submitted to the Environmental Health Department. At the same time main points of the report shall be made accessible to the public by the Premise Licence Holder. The report shall include:

Details of the findings of the noise monitoring undertaken during the event.

Detail of the number of occasions and duration when the "Permitted Music Noise Level" was exceeded.

Detail of the corrective action taken to ensure compliance with the "Permitted Music Noise Level".

Provide a full breakdown of noise complaints received and action taken.

Make recommendations for improvements in the management of event related noise for subsequent events.

And a notice will be issued to that effect.

Chair

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