

Agenda Item No: 4

Report No: 76/13

Report Title: Application for a Premises Licence. AFTL Limited 88/90 Baker Street London W1U 6TQ

Report To: Licensing Sub-Committee Date: 22 April 2013

Report By: Director of Planning and Environmental Services

**Contact Officer(s): Ian Kedge Head of Environmental and Health
Tim Albright Environmental Health Manager**

1. The Application:

1.1 Applicant: AFTL Limited 88/90 Baker Street London W1U 6TQ.

1.2 Premises: The Convent Fields Mountfield Road Lewes BN7 2XD

1.3 Type of application: Application for a Premises Licence to be granted under the Licensing Act 2003.

1.4 Licensable activities:

1.4.1 Gentlemen of the Road Stopover a 2 day musical event for Mumford and Sons at the Convent Field Lewes for a maximum number of people up to 25,000 excluding performers and staff .

1.4.2 Plays, live and recorded music and performance of dance (outdoors) Friday 19 April 2013 1700 hours until 2300 hours and Saturday 20 April 2013 1200 hours until 2359 hours.
Supply of alcohol (on premises) Friday 19 April 2013 1700 hours until 2230 hours and Saturday 20 April 2013 1200 hours until 2330 hours.
Provision of Late Night Refreshments Friday 19 April 2013 2300 hours until 0500 hours Saturday 20 April 2013 and Saturday 20 April 2013 2300 hours until 0500 hours Sunday 21 April 2013.
Premises open to the public Friday 19 April 2013 1700 hours until 2330 hours. Saturday 20 April 2013 1200 hours until 0030 hours Sunday 21 April 2013.

1.5 Steps to promote the Licensing Objectives:

1.5.1 The applicant has offered the following conditions to promote the four licensing objectives.

1.5.2 General.

The Licensee will work in conjunction with the Lewes SAG to satisfy all responsible agencies that all the licensing objectives will be met. The Licensee will comply with all necessary legislation and guidance including the HSG 195 update. The Licensee will produce a full event management plan, emergency and contingency plan together with all other necessary paperwork and have this agreed with the SAG at least 28 days prior to the event.

Professional event personnel will be employed to manage all aspects of the event and to make sure all agreed plans are adhered to this will include Safety Managers, Event Mangers, Production Mangers, Medical Managers, Security Managers and Welfare Managers plus others.

The site will be designed in such a way as to allow for the safe access and egress and for there to be sufficient viewing areas for the audience, any amendments to site plans will be agreed with the SAG at least 28 days prior to the event.

1.5.3 Crime and Disorder.

A crime and crowd management plan will be agreed with Sussex police at least 28 days prior to the event days. A professional security company will be employed and all SIA registration will be passed to the licensing authority and the police at least 14 days prior to the event.

Ticket conditions will be put into place to prevent items that could cause crime and disorder from being brought to the event and the security personnel and management of the event will work closely with Sussex Police to identify any element that may breach these terms.

The Licensee will liaise with BTP with regard to travel to and from the event via the national rail network and the stewardship of Lewes Railway Station.

1.5.4 Public Safety.

Full risk assessments will be undertaken for the event by the Licensee and all contractors these assessments will be presented to the SAG as soon as reasonably practicable but no later than 28 days prior to the build starting; all structure will comply with TDS Regs and be signed off by a competent person from the company erecting them. Full RRFSO assessments will be undertaken and agreed with the fire service at least 28 days prior to the event.

A show stop procedure will be agreed with the SAG and will be signed up to by all artists prior to them appearing on stage.

Medical personnel will be on-site throughout the Licensee's occupation of the site and the numbers and types of personnel will be agreed with the ambulance authority and the SAG at least 28 days prior to the event.

Contractors, Traders and Caterers policies will be complied and issued to all persons and companies working on the event with a view to managing the safety on the site and event these documents will be available to the SAG at least 2 months in advance of the event.

1.5.5 Public Nuisance.

The Licensee will control any potential for noise nuisance from the event using the nationally recognised approach detailed in the "Code of Practice on Environmental Noise Control at Concerts" issued by the Noise Council. A suitably qualified noise consultant will be appointed, who will closely follow the methodology in this guidance, including a site assessment and background noise survey. A draft Noise Management Plan will be submitted to the Environmental Health Department at least 3 months prior to the event for their comments. Following receipt of comments from Environmental Health, a final Noise Management Plan will be submitted at least 28 days before the event for the approval of the Environmental Health Department.

Immediately prior to the event, and during the event, noise levels will be monitored at 30 minute intervals by competent persons at locations agreed in the Noise Management Plan. If noise levels exceed maximum levels, immediate remedial action will be taken by the event manager. Officers from Environmental Health will be afforded every opportunity to oversee the monitoring regime, and the event organiser will implement any reasonable recommendations from Environmental Health if they arise during the event.

A route for public complaints about noise will be agreed with the Environmental Health Department, and a suitable phone line will be publicised and continually staffed during the event, including any sound checks.

Environmental management and waste management policies will be drawn up and agreed with the local authority 28 days prior to the event, all toilets and shower requirements will exceed guidance from HSE guidance HSG 195.

1.5.6 Protection of Children from Harm.

A child protection policy will be produced and agreed with the officers of Lewes DC and all responsible authorities at least 28 days prior to the event. All event personnel that work directly with children or vulnerable adults will be CRB checked as a matter of course. Children 14 and under must be accompanied by an adult to this event. The event will be using a challenge 21 scheme at all bars.

1.6 Additional conditions accepted by applicant:

1.6.1 As a result of representations from Environmental Health at Lewes District Council the following additional conditions have been accepted by the applicant under the licensing objectives relating to the prevention of public nuisance and public safety. The full memorandum of representation is detailed at Appendix 2.

1.6.2 Conditions:

1. The Licensee shall ensure that all temporary demountable structures including stages, marquees, barriers, grandstands, towers are built and installed by reputable suppliers in compliance with their own method statements and risk assessments and, where appropriate, in accordance with The Institution of Structural Engineers "Temporary Demountable Structures – Guidance on Design, Procurement and Use", Second Edition 1999, or to any relevant guidance that supersedes this. All suppliers of temporary demountable structures will be required to supply sign off sheets for installations and structures supplied on demand from Lewes District Council Environmental Health Department. All suppliers of temporary demountable structures will provide evidence of public liability insurance.
2. Throughout the main Festival arena there shall be 'no vehicle movement' restrictions enforced throughout the Festival opening times, except in the event of an emergency or by prior agreement with the site manager. In the event that a vehicle needs to move within the arena during opening hours, this will only take place under the supervision of the site management team and will be accompanied by banksmen wearing high visibility clothing. For the avoidance of doubt, this includes Police and Fire vehicles.
3. The design of any marquee, tent or temporary structure, including stages, speaker locations and internal support towers must be submitted to Lewes District Council Environmental Health Department by no later than 1 July 2013.
4. Suitable and sufficient measures must be taken to mitigate the potential for persons to climb structures. Where there is the potential for members of the public to climb up structures such as lattice steelwork towers, suitable boarding should be erected around the base of the structures from ground level up to a height of no less than 3 metres. The boarding should cover any exposed steel pins that have been driven into the ground to secure the base of the towers. Suitable and sufficient measures must be taken to mitigate the potential of speaker stacks from falling over. Suitable and sufficient measures must be taken to prevent persons climbing on to speaker stacks.
5. All plant and machinery associated with the operation of the playing fields will be removed from the main festival area and stored safely away from public access.
6. A List of all Trading concessions and their latest Food Hygiene Rating will be provided to the Lewes District Council Environmental Health Department 28 days prior to the event. If during the event any concessions fail to respond to reasonable request to comply with the law or are deemed unsafe or unhygienic the Licensee will at the request of the Environmental Health Officer require the concession to cease trading. The Licensee will require each food concession to display their Food Hygiene Rating as issued by their inspecting food authority.
7. A suitable and sufficient scheme to prevent pedestrian access to and from the site from the A27 dual carriageway shall be submitted to Lewes District Council Environmental Health Department no later than 28 days prior to the event. The scheme shall identify what measures shall be taken to prevent pedestrians being set down and collected from the A27 dual carriageway and lay-by.

8. An Effluent Management Plan for the campsite and arena shall be submitted to Lewes District Council Environmental Health Department for approval no later than 28 days prior to the event. The effluent management plan shall be implemented throughout the duration of the event.
9. A Waste Management Plan shall be submitted to Lewes District Council Environmental Health Department for approval no later than 28 days prior to the event. The plan shall include details of litter collection arrangements in the arena, the campsite and on the routes for people arriving and leaving the venue. The waste management plan shall be implemented throughout the duration of the event.
10. A Campsite Management Plan shall be submitted to Lewes District Council Environmental Health Department for approval no later than 28 days prior to the event. The plan shall include details on toilets / potable water / medical provision / vehicular traffic / nuisance / pedestrian traffic to and from the campsite after any town event / arrangements for site clear up. The campsite management plan shall be implemented throughout the duration of the event.
11. The Licensee shall submit for approval a draft noise management plan (NMP) to Lewes District Council Environmental Health Department no later than 1st June 2013. Following receipt of comments from Environmental Health, a final Noise Management Plan will be submitted at least 28 days before the Event for the approval of the Lewes District Council Environmental Health Department. The approved NMP shall be implemented throughout the event. In particular the NMP shall incorporate and detail how the following criteria shall be met:-
 - a) The NMP shall demonstrate how to control any potential for noise nuisance from the Event using the national recognised approach detailed in the 'Code of Practice on Environmental Noise Control at Concerts' issued by the Noise Council.
 - b) A suitably qualified noise consultant will be appointed who will closely follow the methodology of this guidance including a Site Assessment.
 - c) The Music Noise Level (MNL) when assessed at the prediction stage or measured during sound checks shall not exceed 75 dB(A) LAeq 15 mins at 1 metre from the façade of noise sensitive premises.
 - d) The music noise levels for 63 Hz and 125Hz octave bands shall not exceed 85 dB over any 5 minute period when measured at 1 metre from the façade of any noise sensitive premises.
 - e) Immediately prior to the Event, and during the Event, noise levels will be monitored at 30 minute intervals by competent persons at locations agreed in the Noise Management Plan. In the event that noise levels exceed agreed maximum levels, immediate remedial action will be taken by the Event Manager
 - f) Officers from Lewes District Council Environmental Health Department will be afforded every opportunity to oversee the monitoring regime and the Licensee will implement any reasonable recommendation from Environmental Health if they arise during the event.

- g) A route for public complaints about noise will be agreed with the Environmental Health department and a suitable 'phone line will be publicised and continually staffed during the Event, including any sound checks.

12. A draft Event Management Plan and Emergency & Contingency Plan complying with all necessary legislation and guidance (including HSG 195) shall be submitted to Lewes District Council Environmental Health Department three months prior to the event. Following discussion with the relevant authorities and members of the SAG the full Event Management Plan, Emergency & Contingency Plan will be submitted for approval no later than 28 days prior to the Event.

The requirements of the approved Event Management Plan shall be fully implemented during the Event and the Event shall be run in accordance with the approved Plan. Changes can only be made with the consent of Sussex Police and Lewes District Council Environmental Health Department.

The Plans shall deal with the following issues:

- i. Event Profile and Overview.
- ii. Event Management Structure, chain of command, Event Management responsibilities (including overall responsibility for Health & Safety matters). Emergency Liaison Team.
- iii. Arena operation, facilities and attractions including main stages, arena operational method, sterile areas, ingress condition.
- iv. Public and work safety, including security and crowd management in all parts of the site. Both these aspects shall be documented in specific plans that will only be varied by agreement with Sussex Police and Lewes District Council Environmental Health Department
- v. Major Incident Plan, including emergency vehicle routes, evacuation procedures and places of safety.
- vi. Site information, including, but not limited to, fire safety, temporary structures, barriers, fencing, sanitary/washing and welfare facilities, lighting and electrical work, fuel storage and use.
- vii. Event Specific Risk Assessments and Health & Safety Policy, including pre, during and post event.
- viii. Traffic Transport and Pedestrian Access Management Plan. The pedestrian access management plan shall detail how entrances and thoroughfares to and from the site shall be made safe including the provision of lighting, signage and stewards.
- ix. Alcohol Management.
- x. Medical Services.
- xi. Stewarding Plan.

- xii. Details of any special effects (e.g. pyrotechnics) and associated risk assessments.
- xiii. Site Plans, which will be distributed to the Responsible Authorities and any service provider involved in the Event. The final Site Plan will be submitted by 1st July 2013 and Site Plans will be made available during the Event to Silver Control at a suitable scale.
- xiv. Suggested dates for site inspections by the Licensing Authority and Responsible Authorities.

The following conditions are taken from the operating schedule as offered by the applicant and we would request that they are included in any license granted.

13. The Licencee will ensure authorised Officers of Lewes District Council, East Sussex County Council, Sussex Police, East Sussex Fire & Rescue Services, or other Responsible Authorities and South East Coast Ambulance Service, who are in the course of their duties, shall have free access to all parts of the licensed site at all reasonable times for the purposes of supervision and enforcing the observance of the licensing objectives under the Licensing Act 2003 and other relative legislation.
14. Full risk assessments will be undertaken for the Event by the Licensee and all contractors. These assessments will be presented to the SAG as soon as reasonably practicable, but in any event no later than 28 days prior to the event.
15. A Show Stop Procedure will be agreed with the Licensing Authority and will be signed up to by all artists prior to them appearing on stage.
16. Medical personnel will be on site throughout the organiser's occupation of the site and the numbers and types of personnel will be agreed with the Ambulance Authority and the SAG at least 28 days prior to the Event.
17. Contractors, Traders and Caterers' Policies will be compiled and issued to all persons and companies working on the Event with a view to managing the safety on the site and Event these documents will be available to the SAG at least 28 days prior to the event.
18. The organiser will submit a Child Protection Policy to the Licensing authority and all Responsible Authorities for approval at least 28 days prior to the Event. All Event personnel that work directly with children, or vulnerable adults, will be CRB checked. Children 14 and under must be accompanied by an adult to this Event. The organiser will impose a Challenge 21 Scheme at all bars.

2. Background Information:

- 2.1. The following information has been provided by the applicant regarding the event:

The Gentlemen Of The Road Stopover is a new and exciting approach to promoting live music, which was premiered in the UK in May 2012 by The Mumford & Sons, with "Stopovers" at Huddersfield and Galway.

At the heart of this event is a concept that appeals to the local music-loving

community, with an emphasis on live performance and an onus on including the spirit and talent of the local people. The Gentlemen of the Road Stopover 2013 is a quality music festival, one that brings at least eight globally renowned artists to Lewes and merges them with the local people who make each town special. Music fans, local musicians, caterers, local breweries and the town's broad range of creative teams and individuals are all encouraged to participate.

An outdoor stage is the focal point of the day time festival, with each 'site' featuring locally sourced food stalls, various live platforms for local musicians, and a true sense of encouraging community spirit at outdoor capacity spaces on Convent Fields for 25,000 people.

The inspiration for these events comes from various festivals that take place around the world, including St Jerome's Laneway Festival in Australia, Telluride Bluegrass Festival of Telluride, Colorado and Loopallu of Ullapool in Scotland.

Mumford & Sons want to benefit the local communities in the areas of the Stopovers by using local suppliers wherever possible, they also want to go to areas which may miss out, for whatever reason on the main stream of larger music events.

It is this community spirit that we wish to evoke with the Gentlemen of the Road Stopover festivals.

- 2.2** The event is proposed to be held at The Convent Fields Mountfield Road Lewes, with associated activities in the Priory Ruins site and the camping in the adjacent school playing fields. A site map is shown in appendix 3. Photographs of the site are shown at appendix 5 . (these will be made available at the hearing)
- 2.3** The applicant has made event planning and management documents available to the Council and emergency services. Those plans that relate to the licensing objectives are reproduced at appendix 4 with management structures at appendix 6.

3. Representation received from Responsible Authorities:

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| 3.1.1 <u>Police:</u> | Representations. Additional conditions. |
| 3.1.2 <u>Environmental Health:</u> | Representations. Additional conditions. |
| 3.1.3 <u>Fire Officer:</u> | No objections. |
| 3.1.4 <u>ESCC – Child Protection:</u> | No comment. |
| 3.1.5 <u>Trading Standards:</u> | No comment. |
| 3.1.6 <u>Health & Safety:</u> | No objections. |
| 3.1.7 <u>Planning:</u> | No comment. |
| 3.1.8 <u>Public Health.</u> | No comment |

- 3.2** The representation from Sussex Police is shown in appendix 1.

4. Representation received from Interested parties:

4.1 There has been one letter of representation regarding this application from a member of the public residing in Plumpton. This representation has been withdrawn by the member of public following an explanation by the Environmental Health Manager of the official controls on such events and the extra conditions accepted by the applicant

5. Licensing Policy Considerations:

5.1 Lewes District Council has produced a Statement of Licensing Policy in order to comply with its duties and powers under the Licensing Act 2003. It covers the licensable activities for retail sale of alcohol, regulated entertainment which are subject to this licence application.

5.2 The aims of the Policy are to secure the safety and amenity of residential communities, help to ensure a sustainable environment, and to provide regulation of the cultural/entertainment industry and to promote the four Licensing Objectives of the Act.

- Prevention of crime and disorder
- Public Safety
- Prevention of public nuisance
- Protection of children from harm

5.3 The following will be taken into account when licensing decisions are being made. The Council as Licensing Authority must carry out its functions under the Act with a view to promoting the licensing objectives. Each licensing application will be given individual consideration on its merits.

5.4 The three guiding principles (set out in Paragraph 4 of the Licensing Policy) adopted by the Council as the Licensing Authority serve as a general guide to the Council when it carries out its licensing functions.

5.5 Any person has a right to make representations concerning applications for premises licences and hours of the licensable activity and to have those representations given equal weight regardless of the area of the District in which they live.

5.6 In each case that arises following representations the Policy states the Council will:

- a) Consider the potential for public nuisance, crime and disorder and/or danger to public safety associated with the style, characteristics and activities involved and the rights of local residents to peace and quiet.
- b) Examine the potential steps which could be taken to reduce the risk of public nuisance, crime and disorder and/or danger to public safety, particularly in areas of dense residential accommodation.
- c) Consider restricting the hours only in cases where there are good grounds for believing that the licensing objectives will be or are being undermined.

- 5.7** The Council recognises the need to encourage and promote live music, dance and theatre for the wider cultural benefits of the community. The Council will seek to obtain a balance between the potential for limited neighbourhood disturbance and the benefits of cultural activities, particularly for children and will not allow the views of vocal minorities to predominate over the general interest of the community.
- 5.8** The Council will only attach licence conditions that are reasonable, proportionate and appropriate for the promotion of the licensing objectives. The Council is aware of the need to avoid measures as far as possible that deter live music, dancing and theatre for example by imposing indirect costs of a disproportionate nature.
- 5.9** The Council is aware of the value to the community of a broad range of cultural entertainment, particularly live music, dancing and theatre. The Council wishes to encourage them for the benefit of all.
- 5.10** If a responsible authority and/or any other person do not raise any representations about a licensing application made to the Council, it is the duty of the Council to grant the Licence subject only to the conditions that are consistent with the operating schedule and any mandatory conditions prescribed in the 2003 Act itself.
- 5.11** The Council may not therefore impose any conditions unless its discretion has been engaged following the making of relevant representation and it has been satisfied at a hearing that it is appropriate to impose conditions due to the representations raised. It may then only impose such conditions that are appropriate to promote the Licensing Objectives arising out of consideration of the representations.

6. National Guidance:

- 6.1** The Council may attach conditions to the licence in consideration of the application and Section 10 of the National Guidance provides advice and recommendations concerning best practice in relation to conditions attached to premises licences.

7. Financial Implications:

There are no financial implications to this report

8. Environmental Implications:

I have completed the Environmental Implications questionnaire and there are no significant effects as a result of these recommendations

9. Risk Management Implications:

I have completed the Risk Management questionnaire and this report does not require a risk assessment.

10. Equalities Implications:

I have completed the Equalities Implications questionnaire and there are no significant effects as a result of these recommendations.

11. Background Papers:

Application for the grant of a premises licence made by AFTL limited 88/90 Baker Street London.

12. Appendices:

1. Memorandum from Sussex Police detailing representations and licence conditions requested to promote the licensing objectives.

2. Memorandum from Environmental Health Lewes District Council and licence conditions requested to promote the licensing objectives.

3. Site Plans

4. Event Plans NOT FOR PUBLICATION

This Report contains exempt information as defined in paragraphs 1, 2 and 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended). The public interest in maintaining the exemption outweighs the public interest in disclosing the information.

5. Photographs of site and event location and the surrounding area.

6. Event Management Personnel NOT FOR PUBLICATION

This Report contains exempt information as defined in paragraphs 1, 2 and 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended). The public interest in maintaining the exemption outweighs the public interest in disclosing the information.