

Decision of Licensing Sub Committee. Hearing 14 October 2022

Application for a premises licence for the Lewes Music Festival at the Stanley Turner Ground, Kingston Road, Lewes, BN7 3NB

The hearing concerned a premises licence application for an annual music festival. The Lewes Music Festival at the Stanley Turner Ground, Kingston Road, Lewes. The Applicant was Rebecca Taylor.

The application was for the sale by retail of alcohol on the premises on a Saturday between 11:00hrs and 23:00hrs and on a Sunday between 11.00hrs and 20.00hrs; and for live amplified music outside on a Saturday between 12.00hrs and 23.00hrs and on a Sunday between 12.00hrs and 20.00hrs; and for recorded music outside on a Saturday between 11:00hrs and 23:00hrs and on a Sunday between 11.00hrs and 20.00hrs.

In discharging its functions, the Sub Committee considered the promotion of the relevant licensing objectives, the Council's own Licensing Policy, the Home Office Guidance, and the rules of natural justice.

It also considered the information contained within the Specialist Advisor's report, presented by Jade Marshall. She pointed out that the Police had not been a representation but had agreed conditions with the Applicant. She clarified that the application was for one annual music event in May or first weekend in June ("the Event"), since that is what had been advertised, and that there would be no further annual event in September, under this application. In addition to the information contained within the Report, she advised that there had been further representations received outside of the deadline for representations, but that those could not be considered by the Sub Committee.

The Sub Committee considered the application and the oral representations made at the hearing by the Applicant, Rebecca Taylor.

The Applicant explained that the intention behind the music festival was to raise the profile of the Rugby Club and to encourage the wider public to get more involved in rugby, as the music Event would run alongside rugby tournaments.

The Applicant stated that whilst the Event would be national, which would raise the profile of Lewes, the organisers were keen to support local businesses and local bands. She explained that part of the aim of the Event was to assist local charities.

The Applicant informed the Licensing Sub Committee that she had plans to reduce the impact of the bass music by erecting noise cancelling speakers at the back of the stage and installing a stage curtain which should reduce the impact of the noise on local residents.

The Applicant explained that, in practice, the music would not start until 12.30hrs and that the live music would not be continuous as the bands would need to switch over.

She explained that it was not her intention to move the position of the stage for the Event planned for May/June 2023, as she did not consider that to be practically feasible, but that she was open to considering the relocating of the site of the stage for future events.

The Applicant explained that she would employ a sound engineer to take readings two weeks before the event and to take readings at sensitive points in the premises during the Event at regular intervals.

The Applicant noted the agreed conditions with the Police and that no Responsible Authority had made a representation.

The Applicant informed the Sub Committee that she did not consider the Event would have an impact on traffic as it was expected that 90% of attendees would access the premises on foot and via the fields. She stated that at the last event, held in May 2022, under a Temporary Event Notice, few people had come in cars but that there was parking available.

The Applicant stated that at the last event there had been 6 security staff and 4 stewards but the numbers that would be needed would be dependent upon number of attendees. She stated that she believed that there should be one security staff per 200 attendees. The Applicant stated that there had been no issues with security at the last event and as far as she was aware that there had been only one complaint from a local resident about the noise.

The Applicant stated that there would be adequate waste bins provided to prevent littering and that any litter would be cleared by 8.00hrs the day after any Event.

She explained that if the Event outgrew the premises then consideration would be given to moving it to a different location.

In answer to a question, the Applicant stated she considered that capacity at the premises was 1, 500 attendees. She stated that there had been 450 attendees at the last event, but she hoped for the next event in 2023 that there would be 1,500 attendees but that she realistically expected less.

In answer to a question, the Applicant said that tickets would be on sale before the Event and on the day subject to capacity.

The Applicant informed the Sub Committee that for the next event she only planned to hold a music festival on the Saturday rather than it be a two-day event.

In answer to a question about whether the Rugby Club had warned the Applicant about the issues under the Club Premises licence she stated that all efforts would be made to mitigate the noise. She accepted that the most important concerns were about the noise.

The Applicant stated that she had tried to communicate with local residents but had received no response. Those making representations explained the reasons for the non-response. One representor stated that mediation, before the hearing, would not have worked because the Event was in an inappropriate location and mitigating the effects of it would be unworkable.

Due regard by the Licensing Sub Committee was also given to the three relevant written and oral representations made at the hearing by local residents. The representations related to the prevention of public nuisance and the prevention of crime and disorder.

The representations, generally, expressed concerns that local residents would be disturbed by the loud noise as the stage would be close to houses and the wind direction could not be predicted. Their concerns were based upon their experience of the previous event in May 2022.

A local resident, whose representation was on page 51 of the Report, added that she was not averse to a music event but that this was an unsuitable location being in close proximity (50 - 60 metres) to residential accommodation and that there were approximately 50 houses in close proximity to the stage. She said the impact of the Event would be unfair on local residents since the noise would be completely intolerable and cause distress.

A local resident, whose representation was on pages 55/56 of the Report, added that the Event would create a public nuisance, as it had on the last occasion. He stated he did not object to the Event per se, but he objected to the noise caused by the live music. He

contested that the information, contained within para 1.4 of page 28 of the Report, was incorrect given that the wind directions could not be predicted and that it was not true that the nearest houses were a “considerable” distance away. He explained that in the area around the premises many of the residents were elderly and unable to avoid the noise.

A local resident, whose representation was on pages 53/54 of the Report, added that he considered that the stage was in the wrong place so that public nuisance was inevitable, as demonstrated by the last event under the TENs in May 2022. He stated that it was not correct that residences were some distance away. He stated that noise complaints had been made by local residents to Lewes District Council concerning the event in May 2022. He pointed the Sub Committee to para. 6.1 of its Licensing Policy which recognises the need to encourage and promote live music balanced with the potential for limited neighbourhood disturbance and contended that this Event would not have limited neighbourhood disturbance. The representator added that the Event was commercial rather than charitable.

In its deliberations, the Sub Committee considered which decision would be appropriate and proportionate from the options outlined in para. 8.1 of the Report.

Decision

The Sub Committee resolved to grant the licence but modify the conditions as appropriate for the promotion of the licensing objectives.

The conditions, as modified, are;

Licence Conditions

Events per year

There shall be no more than 1 Event held per calendar year in May or first weekend in June. An Event is a music festival held on one Saturday and Sunday (the next day), so 2 days in a row in total.

Capacity

The Premises Licence Holder shall restrict capacity for attendees at any Event to 1,500, at any given time.

Local Engagement

Prior to any Event letters shall be sent to all neighbouring properties including details of a noise hotline and notice of Event times and dates.

Event Management Plan

- a. The Premises Licence Holder shall produce an Event Management Plan (“EMP”) and shall submit it to the Licensing Authority and the Safety Advisory Group not less than 3 months prior to any Event. If any changes are made after this time, notification is to be sent to the Licensing Authority and the Safety Advisory Group in writing, this can be by email.
- b. A final agreed draft of the EMP shall be submitted to the Licensing Authority and the Safety Advisory Group not less than one month prior to any Event. For clarification, all plans and requirements, forming part of the EMP, must be agreed

in writing by the Licensing Authority and Sussex Police. The agreed EMP shall then become the operating condition for the Event and a condition of the premises licence for the duration of the Event.

- c. The EMP shall include the names, addresses and telephone numbers of persons/organisations responsible for the overall Event safety control. For clarification, the SIA provider details must be confirmed in the EMP.
- d. The EMP shall include sufficient details on the following matters;
 - Production
 - Medical and first aid provision
 - Site management and the structural integrity of all temporary structures
 - Crowd management, stewards and security
 - Fire safety and control
 - Configuration and control of sound systems
 - Management of any on-site car parking
 - Management of concessions and franchises
 - Provision and maintenance of water supplies
 - Welfare and provision of information
 - Lost & found persons and property
 - Provision and maintenance of sanitary facilities
 - Reception collection and removal of litter and other waste
 - Details of full ingress and egress plans for pedestrians at the immediate site and for dispersal/impact on the local infrastructure.
- e. The EMP shall include a Noise Management Plan, including sound monitoring measures, which shall be produced by a qualified sound engineer.
- f. The EMP shall include a Risk Assessment Plan. The assessment will identify all licensable activities undertaken at the premises and the controls necessary to promote the licensing objectives. This document shall be immediately available for inspection by the Police and the Licensing Authority, upon request.
- g. All staff shall be trained as identified in the EMP.

The level of sound emitted from the premises shall not exceed 65dB (A) between 11.00hrs and 23.00hrs on a Saturday and between 11.00hrs and 20.00hrs on Sunday. The sound levels shall be determined by measurements at the boundary of the premises at its nearest point to Kingston Road (noise sensitive point). Sound levels should be monitored throughout the Event at regular intervals of not less than every hour.

A stage backdrop shall be installed to ensure there is a shield to the noise.

The Premises Licence Holder shall ensure that there are sufficient signs at the exit/s asking that attendees of the Event should leave quietly and be respectful of local residents.

Conditions of entry shall be fully advertised including reference to any search policy and zero tolerance to drugs and all other prohibited items as applicable.

No illegal substances or nitrous oxide shall be allowed into the Event. Anyone found with these substances in their possession will be refused entry.

There shall be a zero-tolerance policy of illegal drug use at the Event. Anyone caught in possession of illegal drugs at the event will be held by the security staff and the Police will be called. Any confiscated items will be put into a locked box, the description recorded and the entry signed. These items shall be handed over to the Sussex Police upon request during the Event or at the end of the Event.

SIA staff and event stewards

a. The Licence Holder shall ensure that sufficient numbers of Security Industry Authority (“SIA”) staff and event stewards shall be in attendance at any Event. There shall be a minimum ratio of 1 SIA staff to every 200 attendees.

b. A list of SIA security persons shall be provided to Sussex Police 45 days before the event.

c. The event organiser shall provide a list of names and addresses of all stewards to Sussex Police 45 days before the event.

d. SIA staff and event stewards shall be instructed to have particular regard to the care of vulnerable persons particularly anyone who appears to be drunk, incapacitated and potentially vulnerable due to excessive alcohol consumption and/or drug misuse. If it is necessary to eject them, they will be peaceably ejected from the premises so long as an on-the-spot risk assessment is clear that the person will not be vulnerable and at risk when placed outside. If necessary, a taxi shall be called and the person escorted to and put into the taxi to be taken home. Staff shall be aware of the need to call the emergency services if necessary.

e. There shall be regular, at least once during every hour, patrols of the customer trading areas, smoking area and WCs to ensure that customer behaviour is not in breach of the law or venue policies or harming the licensing objectives. These patrols will be recorded in writing in the incident book.

f. Random stop and search shall take place on entry to the premises. Random search means a minimum of 1 in 5.

g. The security staff will ensure safe exit from the premises and sweep the premises and the surrounding areas for an hour at the end of each day of the Event.

Training/Authorisation

a. The Premises Licence Holder shall ensure that all staff members engaged, or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products: *The lawful selling of age restricted products *Refusing the sale of alcohol to a person who is drunk.

b. Further verbal reinforcement/refresher training covering the above will be carried out each time before a new event takes place, with the date and time of the verbal reinforcement/refresher training documented.

c. All such training undertaken by staff members shall be fully documented and recorded and signed by both the employee and the DPS. All training records shall be kept on the premises and made available to Sussex Police, officers of the local authority and officers from the Trading Standards team upon request.

d. A list of staff members who are authorised to sell alcohol on the premises shall be kept. This shall be endorsed by the DPS with the date such authorisation commences.

Challenge 25

a. The premises shall operate an age verification policy set at a minimum of 25 years (e.g. "Challenge 25") whereby any person attempting to buy alcohol who appears to be under the specified age, i.e. 25, will be asked for photographic ID to prove their age. The recommended forms of ID that shall be accepted are passports, official Photographic Identity Cards issued by EU states bearing a hologram or ultraviolet feature, driving licences with a photograph, photographic military ID or proof of age cards bearing the 'PASS' mark hologram.

b. Signage advertising the age verification, or 'Challenge 25' policy, will be displayed in prominent locations in the premises.

c. A notice will be displayed at the entrance of the premises and each area where alcohol is sold where it can be clearly seen and read and shall indicate that it is unlawful for persons under 18 to purchase alcohol.

Incident/Refusal Log

a. An incident/refusal log will be maintained by the Premises Licence Holder showing a detailed note of incidents that occur in the premises. The log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a day per event.

b. The log book should be kept on the premises and be available for inspection at all times the premises are open by authorised officers of the Licensing Authority or the Police. An incident will be defined as being one which involves an allegation of a criminal offence.

c. Feedback shall be given to staff to ensure these are used on each occasion that a refusal or incident occurs at the premises.

d. Any refusals made for alcohol service, e.g. underage, will also be recorded (either in electronic or written form) and feedback given to staff as relevant. The log will be kept at by the Premises Licence Holder for a minimum of twenty-four (24) months.

No alcohol shall be brought into the event by attendees of the Event. All alcohol must be purchased inside the event.

All alcohol shall be dispensed into plastic or other shatterproof type glasses such as polycarbonate, or sold in plastic bottles with the lid removed. No glass receptacles shall be in use at the premises.

No open vessels shall be allowed off the premises.

A personal licence holder must be on the premises at all times licensable activities are taking place.

Protection of Children from Harm

- a. All Children under the age of 12 shall be issued with a wristband on which they can write parent/guardian's mobile phone number.
- b. No person under 18 will be allowed in the licensed area if not accompanied by an adult over 21 years during the licensed activity hours.
- c. All persons supervising lost children, child crèche and child play facilities (where their parent or guardian is not present) must have an enhanced DBS certificate (dated within 3 months of the event).

Reasons for decision

The Sub Committee appreciated the concerns of local residents about the noise nuisance, in light of their experience at a previous event in May 2022, held under a TENS.

Taking those concerns into account it considered that the imposition of the conditions on the licence, in particular the condition relating to the production of an Event Management Plan incorporating a Noise Management Plan, would be an appropriate and proportionate step to address those concerns.

It further noted that the Event was once a year and that the licensable times were not excessive.

The Members considered that the Applicant had demonstrated that any Event would be likely to be, on balance, a well-run event which would not undermine the licensing objectives.

The Sub Committee considered that this decision was in line with the Council's own Licensing Act Policy.

The Sub Committee also noted when making its decision that no Responsible Authority had made a representation, although it noted that the Police had agreed some conditions with the Applicant, in lieu of making a representation.

The Licensing Act provides a right of appeal to the Magistrates' Court in respect of an application for a premises licence. An appeal must be commenced by notice of appeal being given by the appellant to the Magistrates' Court within a period of 21 days beginning on the date the appellant is notified in writing of the decision of the Licensing Sub Committee.

The decision will be provided in writing to all parties within five working days of the decision being made.