

Licensing

10 October 2022

Report of: Director for Growth and
Regeneration

Forbidden Forest Festival Premises Licence Application

Corporate Priority:	Protect our climate and enhance our rural, natural environment
Relevant Ward Member(s):	Alan Hewson (Croxton Kerrial)
Date of consultation with Ward Member(s):	18 August 2022
Exempt Information:	No

1 Summary

- 1.1 To advise Members of an application made under Section 17 of the Licensing Act ("the Act") for a new premises licence on land within the grounds and owned by Belvoir Castle, known as Knipton pastures & Frog Hollow, Belvoir Castle grounds, Belvoir NG32 1PE for the Forbidden Forest Festival.
- 1.2 Members are asked to consider the application due to receipt of representations.

2 Background

- 2.1 In July 2022 Forbidden Festival Limited held a 4-day music festival at the same proposed site as this application. This was run under the one-year licence which they had applied for in December 2021.
- 2.2 Following the 2022 event, Forbidden Festival Limited have applied for a permanent 4-day music festival licence, including camping for up to 14,999 people, to take place on no more than 4 consecutive days each year.
- 2.3 The next event is provisionally planned for 2nd-5th June 2023 but this will be confirmed by the applicant, with at least 6 months' notice.
- 2.4 The application was advertised by way of a Public notice in the Grantham Times, Blue notices around the site and on the Melton Borough Council website.

3 The Application

- 3.1 The applicant is Forbidden Forest Limited.

3.2 The proposed designated premises supervisor is Emmanouil Chatzakis.

3.3 In summary the premises licence application is for:

Plays, Exhibition of films, performance of live music, performance of dance (all indoor and outdoor)

Friday, Saturday & Sunday 12:00 – 23:00

Playing of recorded music (indoor and outdoor)

Friday, Saturday & Sunday 12:00 – 03:00

Late Night Refreshment (indoor and outdoor)

Friday, Saturday & Sunday 23:00 – 05:00

It is intended for all licensable activities to cease within the 'Festival Site' area at 11pm, while licensable activities at the 'Campsite' area will proceed until 3am in the form of silent discos.

Late night refreshments will be required to continue until 5am on the 'Campsite' area.

Supply of alcohol for consumption on the premises

Friday, Saturday & Sunday 12:00 – 03:00

Opening hours

Friday 10:00 – 23:59

Saturday & Sunday 00:00 – 23:59

Monday 00:00 – 12:00

Forbidden Festival will take place over the course of one long weekend a year, opening at 10am on Friday for camping patrons to arrive and with the intention of having all patrons off the premises no later than 12 noon on Monday.

3.4 A redacted version of the application has been attached at **Appendix A**, which includes a number of conditions offered by the applicant to promote the licensing objectives. A copy of the previous licence MMA0321 is attached at **Appendix Ai** and the proposed amalgamated conditions as they would appear on the licence as agreed by the applicant in **Appendix Aii**.

3.5 A plan map identifying the location of the premises is attached at **Appendix B** (the green line is the proposed licensed area).

3.6 The premises licence application was received on Thursday 18th August 2022. The last day for representations was the 15th September 2022.

3.7 The application requests the following:

1. A festival to take place on one weekend of the year annually.
2. The first proposed date for the event is 2nd-5th June 2023.
3. Camping will be available.

3.8 This application must be considered in accordance with the Melton Borough Council's 'Licensing Act 2003, Statement of Licensing Policy 2017'.

- 3.9 Each of the responsible authorities have been served a copy of the application, namely; the Police, Fire Authorities, Home Office, Trading Standards Department and the District Council's Health and Safety, Environmental Protection and Planning Sections. Only 1 of the 8 responsible authorities has provided representations; that being Environmental Health as detailed below in representation 1 (para. 4.1) (**Appendix D**).
- 3.10 Ward councillors have been made aware of the application. No representations have been received.
- 3.11 Other persons are also able to make representations within 28 days of display of the notice of application to the Licensing Authority. Three other representations were received as summarised in para. 4.2 and copies of all the representations can be found at **Appendix C (i, ii, iii)**.

4 Main Considerations

4.1 Representations – Responsible Authorities

4.1.1 (1) D Martschenko on behalf of Environmental Health representation

The representation received from D Martschenko relates to the prevention of public nuisance conditions and removing any conflicting information relating to the 2022 event.

Since the representation was placed, the applicant has replied to communication from Mr Martschenko confirming they are satisfied with his suggested amendments and his representation has now been withdrawn. (**Appendix D**)

4.2 Other Representations

4.2.1 The application has attracted representation from members of the public (described as 'other persons' in the legislation).

i) Mr J McCloskey on behalf of Denton Parish Council (Appendix Ci**)**

This representation relates to public safety and the prevention of public nuisance namely an increase in HGV traffic, the relentless bass beat of the music and the amount of drugs confiscated and paraphernalia found littering Denton's streets.

ii) Mr R and Mrs A Pape (Appendix Cii**)**

This representation relates to public safety and the prevention of public nuisance namely excessive traffic through small villages and prevention of low pulsating noise in the village of Denton

iii) Mr & Mrs Sharp (Appendix Ciii**)**

This representation relates to the prevention of public nuisance namely excessive noise in the village of Woolsthorpe.

4.3 All representations have to meet basic legal and administrative requirements namely must not be frivolous or vexatious and be in relation to the at least one of the 4 licensing objectives. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing. All the representations in this report have been considered by the Licensing Officer Sarah Flower and determined to have met the requirements of the Licensing Act 2003.

4.3.1 Following receipt of two of the representations from members of the public which related to traffic concerns (Appendix Ci & Cii only**), Licensing Officer Sarah Flower made**

contact with Leicestershire County Council Highways event team. They advised that they would not make comments on traffic routes and signage and such like, until a traffic management plan was received for any upcoming events. The traffic management plan must be developed for the Safety Advisory Group (SAG) 60 days before the event. The highways team welcomed any comments from members of the public. The concerns received so far by the licensing team have therefore been forwarded on to them to add to their file for future consideration.

- 4.3.2 Engagement 60 days prior to the event, to discuss the Event Management Plan with the local Safety Advisory Group (SAG) made up of responsible authorities namely but not restricted to Police, Fire, Ambulance, Highways, Licensing authority and Environmental Health has also been proposed in the original application to be a condition of any licence granted.
- 4.3.3 The Licensing team have assisted in liaising with the applicant and the representees to try to find a compromise solution to their concerns. The licensing team however have not been provided with any additional conditions agreed by both parties, to address the concerns in the representations.

In addition to the Councils statutory consultation, the applicant has also provided copies of communications they have sent to local nearby parish councils, informing them of this application (**Appendix E**). They also provided a copy of email correspondence sent to Mr R Pape advising him of this application and offering to engage with him (**Appendix Fi, Fii, Fiii**).

4.4 **Statutory Guidance and Statement of Licensing Policy**

- 4.4.1 In addition to the requirement that any decision of the Licensing Authority must be in accordance with the licensing objectives, the Sub-Committee are also obliged to have regard to Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.

4.5 **Guidance:**

- 4.5.1 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf
- 4.5.2 Officers consider that the following paragraphs may have a bearing upon the application; 1.1 to 1.5 (the licensing objectives summary),
- (i) 2.1 to 2.10 (crime and disorder, public safety),
 - (ii) 2.15 to 2.21 (public nuisance),
 - (iii) 3.1 to 3.2 (summary of licensable activities),
 - (iv) 3.11 (regulated entertainment),
 - (v) 8.41 to 8.49 (steps to promote licensing objectives),
 - (vi) 8.69 to 8.73 (licensing conditions),
 - (vii) 8.80 to 8.87 (advertising applications),
 - (viii) Section 9 (determining applications) in particular 9.11 to 9.12 (the role of responsible authorities – each responsible authority being an expert in their respective field) and 9.31 to 9.44 (hearings),

- (ix) 10.1 to 10.10 (conditions attached to premises licenses)
- (x) and 14.1 to 14.3 (local statement of licensing policy).

4.6 **Policy:**

4.6.1 In making any decision, Members must also have regard to the Council's own Statement of Licensing Policy and the Home Office statutory guidance issued under section 182 of the Licensing Act 2003 both of which can be found online at:

<https://www.melton.gov.uk/media/hbjawxhz/statement-of-licensing-policy-final-2017.pdf>

This includes:

- (i) Section 2.3 & 2.4 (Balance) – considers the needs of the applicants and the residents.
- (ii) Section 2.5 (Extent of Control) – considers what matters are in the control of the applicant.
- (iii) Section 7 (Licensing Authority (Responsible Authority Role)) – considers how and when the licensing team may be involved in placing representations.
- (iv) Section 9 (Promotion of the Licensing Objective) – considers who the applicant may wish to discuss their application with and things the application should address.
- (v) Section 16 (Standardised Conditions) – considers both mandatory conditions and suggests model conditions the applicant may use.

4.6.2 The application when submitted, complied with our policy and met the statutory requirements in the information provided on the documents.

4.7 The Sub-Committee is reminded of its responsibilities under the Crime and Disorder Act 1998 (to co-operate in the reduction of crime and disorder in the Melton Borough) and the Human Rights Act (which guarantees the right to a fair hearing for all parties in the determination of their civil rights, and also provides for the protection of property, which may include licences in existence, and the protection of private and family life) when considering the fair balance between the interests of the all parties to this Hearing. Any decision taken by the Sub-Committee must be necessary and proportionate to the objectives being pursued.

4.8 Members are reminded that whenever they make a decision under the Licensing Act 2003, they have a duty to act with a view to promoting the licensing objectives:

- Prevention of crime and disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

4.9 When considering any representations, only those issues relating to the four licensing objectives should be considered and appropriate weight given to the importance and relevance of each representation.

4.10 Members should note that the applicant or persons making representations have the right of appeal against the decision made by the Sub-Committee.

- 4.11 The application should be considered on its merits and any decision should be taken in light of all evidence and representations put before the subcommittee and be reasonable and proportionate.
- 4.12 The licensing subcommittee must take the following steps, as it considers appropriate, for the promotion of the licensing objectives:
- Grant the application as requested.
 - Grant the application whilst imposing additional conditions and/or altering in any way the proposed operating schedule.
 - Exclude any licensable activities to which the application relates.
 - Refuse to specify the said person as the designated premises supervisor.
 - Reject the whole or part of the application.

5 Consultation

- 5.1 The consultation period commenced on 18th August 2022 for 28 days ending on 15th September 2022. During this time all the statutory consultees were provided with a copy of the application for their consideration.
- 5.2 During this period, 4 representations were received as detailed in the body of the report and listed in **Appendix C i, ii, iii and D**.

6 Next Steps – Implementation and Communication

- 6.1 Once a decision is made by the Sub-Committee, all parties will be notified of the decision within 5 working days.
- 6.2 The Sub-Committee should note that the applicant does have the right of appeal within 21 days of being notified of the decision.

7 Financial Implications

- 7.1 There are no financial or other resource implications.

Financial Implications reviewed by: Corporate Services Manager

8 Legal and Governance Implications

- 8.1 Chapter 2 Part 8 (Licensing Committee Functions and Procedure Rules) of the Council's Constitution requires that applications for the grant, renewal or transfer of licences, designations or certificates where objections have been received and not withdrawn must be referred to Licensing Sub Committee.
- 8.2 The Council is responsible for carrying out the licensing function under the Licensing Act 2003. The Act regulates the sale of alcohol, the provision of entertainment, the showing of film and late-night refreshment.
- 8.3 The Council has delegated its licensing function to its Licensing Committee, Sub Committees and Licensing Officers referred collectively to as the "Licensing Authority".
- 8.4 Any decision must be taken following consideration of the representations received with a view to promoting the licensing objectives which are:
- Prevention of crime and disorder
 - Public Safety
 - Prevention of Public Nuisance

- Protection of Children from Harm

- 8.5 The Licensing Act 2003, allows interested persons, and responsible authorities to make representations about any new application or any application to vary an existing licence.
- 8.6 Any of the parties involved may, if they are unhappy with the outcome of this hearing, appeal to the Magistrates' Court within 21 days of being notified of the decision.

Legal Implications reviewed by: Monitoring Officer

9 Equality and Safeguarding Implications

- 9.1 There are no equality implications arising from this report.
- 9.2 The proposed conditions at **Appendix Aii** detail the applicant's obligation to provide Security & Stewarding plans (as well as Traffic Management plans, Noise Management plans and Event Management plans) to safeguard attendees of the festival.

10 Community Safety Implications

- 10.1 The members of the Sub-committee are reminded to follow the guidance at 4.5 above.

11 Environmental and Climate Change Implications

The applicant has included in the proposed conditions within the Event Management plan provisions to maintain the environment and waste collection and sanitary provision.

12 Background Papers

- 12.1 None

13 Appendices

A. Premises licence application

Ai. Copy of previous licence MMA0321

Aii. Proposed Conditions

B. Site plan to accompany premises licence

Ci. Representation from Denton Parish Council

Cii. Representation from Mr & Mrs Pape

Ciii. Representation from Mr & Mrs Sharp

D. Email from applicant confirming agreement with noise conditions proposed by D Martschenko (Environmental Health).

E. Letter from the applicant to nearby Parish Councils

Fi. Email to Mr Pape informing him of the application

Fii. Email from organiser S Oates to Mr Pape

Fiii. Email from organiser E Punchard to Mr Pape

Report Author:	Sarah Flower , Licensing and Compliance Officer
Report Author Contact Details:	01664 502328 sflower@melton.gov.uk

Chief Officer Responsible:	Pranali Parikh , Director for Growth and Regeneration
Chief Officer Contact Details:	01664 504321 PParikh@melton.gov.uk