

# Licensing Sub-Committee DECISION NOTICE

## DETERMINATION OF A PREMISES LICENCE

**Meeting:** LICENSING ACT 2003 SUB-COMMITTEE  
HEARING at Melton Borough Council on 10  
October 2022

**Applicant:** FORBIDDEN FESTIVAL LTD

**Premises Address:** THE GROUNDS OF BELVOIR CASTLE,  
BELVOIR, GRANTHAM, NG32 1PE (KNOWN AS  
KNIPTON PASTURES AND FROG HOLLOW)

**Licence No.** N/A

### **Summary of Decision:**

The Decision of the Licensing Sub-Committee (in exercise of the powers delegated by Melton Borough Council as Licensing Authority) is to grant the licence subject to conditions.

### **Facts and Reasons:**

In reaching its decision the Sub-Committee has had regard to the evidence and representations of the Applicant, the agreements reached with the Responsible Authority (Environmental Health), the Representations of the Interested Parties, the Council's Statement of Licensing Policy and Guidance issued under section 182 of the Licensing Act 2003.

In making their decision the four licensing objectives were given equal and paramount importance, i.e.

- The Prevention of Crime and Disorder;
- Public Safety;
- The Prevention of Public Nuisance
- The Protection of Children from Harm

The Sub-Committee made the following findings of fact:

1. The application for the premises licence had been made and served on the Responsible Authorities in accordance with the Licensing Act 2003.
2. Protection of the public and promotion of the licensing objectives is paramount.
3. The conditions agreed as part of the application as well as the liaison that has already taken place with the Responsible Authorities and lay interested parties evidenced that the Licensing Objectives were being prioritised and promoted.

The Sub-Committee gave the following reasons for their decision:

- 1 The Sub-Committee took into account all of the representations received (from the Responsible Authority and Interested Parties).
- 2 The Sub-Committee noted the efforts that the Applicant had gone to, in addressing the concerns raised. The Sub-Committee commended the Applicant for the early and ongoing engagement with Responsible Authorities, lay parties and the parishes.
- 3 The Sub-Committee considered the Application, the Operating Schedule and agreed conditions including those reached with the Responsible Authority (Environmental Health). The Sub-Committee were satisfied that the documents together evidenced that the licensing objectives would not be undermined by the granting of the licence with conditions.

- 4 The Interested Parties Representations raising concerns regarding drugs use and littering (i.e. the prevention of crime and disorder, public safety and the prevention of public nuisance) had been addressed by the agreed conditions.
- 5 The Sub-Committee took account of the Interested Parties Representations raising concerns regarding traffic in relation to public safety which should be addressed by further conditions to promote the reduction of traffic through Denton and other small villages in the vicinity of the event.
- 6 The Sub-Committee took account of the Interested Parties Representations raising concerns regarding representation from both Leicestershire and Lincolnshire Responsible Authorities on the Safety Advisory Group.
- 7 The Sub-Committee took account of the Interested Parties Representations raising concerns regarding noise (i.e. the prevention of public nuisance) which had been largely addressed by the agreed conditions and amendments requested by the Responsible Authority (environmental Health), however additional conditions were required to encourage further mitigation of the impact of noise levels in nearby villages.

In reaching this decision, the Sub-Committee took into consideration the following:-

- (i) The report presented by Simon Greensmith, Licensing & Compliance Officer for Melton Borough Council;
- (ii) The Applicant's submissions.
- (iii) The Responsible Authority's written representations and proposed agreed conditions.
- (iv) The written representations received from Interested Parties as well as the agreements reached.
- (ii) The provisions of the Licensing Act 2003 and the four licensing objectives.
- (iii) The Human Rights Act 1998.
- (iv) Relevant case law.

- (v) Melton Borough Council's Statement of Licensing Policy.
- (vi) The guidance issued by the Secretary of State under s.182 of the Licensing Act 2003 (April 2018).

**Decision:**

The Sub-Committee did not consider that the Representations made by the Interested Parties in relation to noise, traffic, drug use and littering could justify the refusal of the application on the ground that granting the application would undermine the licensing objectives.

On consideration of the evidence, the Licensing and Compliance Officer's report, the relevant legislation, case law and policies the Sub-Committee took the decision to grant the application with the conditions set out as **Appendix 1** to this Decision Notice and the additional conditions detailed below:

- (i) the traffic management plan should include the provision for earlier warning signage of the recommended route where possible;
  
- (ii) the premises licence holder shall commence engagement with the Safety Advisory Group (the SAG to include representation from Lincolnshire and Leicestershire Highways Authority and Police) no later than 6 months before the date of the festival and continue to engage in the lead up to the event in order to ensure that any concerns raised can be addressed at an early stage and reflected in the event safety management plan, transport management plan and any other plan required to be submitted;
  
- (iii) the premises licence holder shall continue to engage with neighbouring Parish Councils (including those outside of Melton Borough) in the run up to the date of the event in order to ensure that any concerns raised can be addressed at an early stage and reflected in the event safety management plan, transport management plans and any other plan required to be submitted; and
  
- (iv) the premises licence holder shall use reasonable endeavours to direct the speaker orientations away from nearby villages such details to be recorded in the Noise Management Plan.

**Right to Appeal**

There is a right of appeal in respect of this Decision.

Any appeal of the Sub-Committee’s Decision must be lodged at the Magistrates’ Court with 21 days of notification of the Licensing Authority’s Decision.

Any other queries should be directed to:

Licensing Department - Melton Borough Council

Parkside, Station Approach

Burton Road

Melton Mowbray

LE13 1GH

Tel: 01666 502 502

Date: 14 October 2022

Signature: .....J Douglas .....

Cllr J Douglas - Chair of the Licensing Sub-Committee

## APPENDIX 1

### Conditions

1. Licensable activities shall be permitted to take place under this licence on no more than 4 consecutive days in any calendar year. The days on which these activities are to take place shall be notified to Melton Borough Council (“the Council’s Licensing Authority”) and Leicestershire Police (“the Police”) at least 6 months prior to any proposed event.
2. Any events taking place at the premises shall accord with The Event Safety Guide - A Guide to Health, Safety and Welfare at Music and Similar Events (so far as applicable).
3. No more than 14,999 persons shall be permitted on the premises (excluding staff/security).
4. Admission to the licensed premises will be by ticket only unless otherwise approved by the Council’s Licensing Authority, and the premises licence holder shall use all appropriate media such as website, social media and email to communicate appropriate information and conditions to ticket holders in advance of any event.
5. Ticket printing manifests and sales figures will be provided on request to the Council’s Licensing Authority.
6. The ticketed capacity will not exceed the maximum capacity permitted by the premises licence.
7. Appropriate arrangements by way of barriers, gate systems, security or other provision will be made, in agreement with the responsible authorities, to prevent unauthorised access to the licensed premises and manage entry to the licensed premises.
8. SIA registered door supervisors shall be employed at a ratio of at least 1:100 persons throughout any event taking place under this premises licence.
9. A log of those door staff employed shall be maintained at the premises and shall include:
  - (i) the number of door staff on duty;
  - (ii) the identity of each member of door staff and their SIA number;
  - (iii) the times the door staff are on duty.
10. The premises licence holder shall submit a Security and Stewarding plan to the Police at least 60 days prior to any proposed event, with the plan to

be finalised in conjunction with the Police at least 14 days prior to any proposed event.

11. The premises licence holder shall submit a Traffic Management Plan to the **Safety Advisory Group** at least 60 days prior to any proposed event, with the plan to be finalised in conjunction with the **Safety Advisory Group taking into account the representations put forward by Denton PC and any other comments put forward from members of the public** at least 14 days prior to any proposed event.
12. The premises licence holder shall submit an Event Management Plan (EMP) to the Council's Licensing Authority for full and detailed consultation through a multi-agency forum at least 60 days prior to any event, with the plan to be finalised in conjunction with the responsible authorities at least 14 days prior to any proposed event. This will include:
  - (i) Contact details of the persons/organisations responsible for:
    - i. Overall event safety control;
    - ii. Medical and first aid provision;
    - iii. Site management and structural integrity of temporary structures;
    - iv. Crowd management, stewarding and security;
    - v. Fire safety;
    - vi. Configuration and control of sound systems;
    - vii. Management of car parking;
    - viii. Management of concessions;
    - ix. Provision and maintenance of water supplies;
    - x. Welfare and provision of information;
    - xi. Reception, collection and removal of litter and other waste on and off site;
  - (ii) Detailed proposals/timings of entertainment, together with information regarding any special effects;
  - (iii) Details of concessionary activities including food, bars and retail sales;
  - (iv) Details of types and locations of signage;
  - (v) A site safety plan including site safety rules, requirements for construction and breakdowns of site, structural safety calculations, drawings of temporary structures and safety barriers, details of electrical installations and lighting arrangements;
  - (vi) Incident contingency and emergency plans (including a major incident plan);
  - (vii) Details for the provision of cleaning and maintenance of sanitary accommodation, washing facilities and drinking water;
  - (viii) Details for the collection and disposal of litter and other waste;
  - (ix) Details of welfare arrangements and facilities and provision of information on site.

The EMP will specify the dates by which any obligations within it must be complied with.

13. Staff will be trained in the requirements of the Licensing Act 2003 in relation to the licensing objectives, and the laws relating to under age sales and the sale of alcohol to intoxicated persons.

14. A refusals log will be maintained at each point of sale, recording the time of the refusal, the member of staff refusing and the reason for such refusal. This log will be made available on request to officers from the Licensing Authority or the Police.
15. A search policy shall be implemented and adhered to during the course of any event.
16. The premises will operate a zero tolerance policy in respect of drugs. Any person found using drugs will be removed from the premises. Any person found to be dealing drugs will be detained (when it is safe and reasonable to do so) and the police informed immediately. Any drugs seized will be securely stored and handed over to police following any event.

### **B) Public Safety**

1. Appropriate and sufficient first aid and medical equipment and staff shall be available and employed at the premises throughout the course of any event.
2. The premises shall maintain a comprehensive incident log(s) throughout the course of any event. The log book will be completed for an incident of crime and disorder that takes place within the licensed premises. The log will be made available on request to officers from the Licensing Authority or the Police.
3. The premises licence holder shall maintain public liability insurance.
4. Entrances and exits to the licensed premises, including temporary structures within the licensed premises, will be kept clear at all times and will be adequately illuminated during periods of darkness. If required by the Licensing Authority, a lighting check will be carried out in consultation with the appropriate responsible authorities prior to the premises being opened to the public.
5. Adequate lighting levels will be maintained within any temporary structure and emergency lighting to the satisfaction of the appropriate responsible authority shall be provided in such temporary structures.
6. No special effects including lasers, strobe lights, stage pyro, smoke, vapour or fireworks shall be used without the prior approval of the Council's Licensing Authority and the Fire & Rescue Service.
7. The premises licence holder shall ensure that adequate sanitary provisions and hand washing and drying facilities are provided for the number of people expected to attend any event, and be proportional to the general audience split and profile. Toilets shall be kept in good order and repair and serviced throughout the event to ensure that they are kept safe, clean and hygienic.
8. Drinks (both alcoholic and non-alcoholic) shall not be sold or served in glass containers at any time.



9. The venue and all equipment, furnishings, fittings and the like shall be constructed, provided and maintained so as to be in a thoroughly safe condition for entertainment purposes.
10. Suitable records shall be kept by the premises licence holder or his agent regarding fire safety precautions, electrical installations and the construction of the built environment.
11. Authorised officers of the Licensing Authority, the Fire and Rescue Service, the Ambulance Service and the Police shall have free access to all parts of the licensed premises for the purpose of inspection at all reasonable times.
12. The premises licence holder shall ensure that the premises licence and all conditions attached thereto are retained at the licensed premises and are available for inspection at all reasonable times by authorised officers of the Licensing Authority, the Fire and Rescue Service, the Ambulance Service and the Police.
13. All electrical installations and equipment will comply with the general requirements of the Electricity at Work Regulations 1989 and with the general provisions of the Event Safety Guide or any replacement guidance. The premises licence holder will employ competent persons to assess the electrical requirements at the event and the compatibility of the electrical supply with the equipment used and take all reasonable measures to ensure so far as is reasonably practicable the safety of all persons at the event.
14. All generators on the premises shall be diesel driven.
15. Suitable and sufficient firefighting provision will be produced and maintained on the licensed premises for the duration of each event to the satisfaction of the Fire and Rescue Service.
16. The fire retardant characteristics of all tents, drapes and scenery used in or on any temporary structures will be to the satisfaction of the Fire and Rescue Service.
17. The siting of all vehicles, generators, tents, marquees etc. shall be to the satisfaction of the Fire and Rescue Service.
18. Concessions with cooking facilities shall be positioned to the satisfaction of the Fire and Rescue Service.

### **C) The Prevention of Public Nuisance**

1. The premises licence holder shall appoint a suitably qualified and experienced acoustic consultant in relation to any event. The consultant shall advise on acoustic arrangements and sound levels prior to any event and shall be present and contactable by the Council's Environmental Health Department throughout any event.
2. The premises licence holder shall submit a Noise Management Plan to the Council's Environmental Health Department at least 60 days prior to any

event, with the plan to be finalised in conjunction with them at least 14 days prior to any event. This will include:

- (i) A site layout plan detailing stage locations, speaker orientations, car parking locations and the locations of the nearest noise sensitive areas;
  - (ii) A stage program including the time each act is performing and the type of music being performed;
  - (iii) hours of operation and the target 'on-the-dancefloor' sound pressure levels
  - (iv) Details of the consultation measures that will take place or have taken place with potentially affected occupants of noise sensitive premises;
  - (v) A sound assessment with details and proposals for monitoring of sound during any event and controlling/amending levels if required. The NMP shall detail the proposed noise controls to be employed during the event, the location of the noise sensitive receptors (NSRs) and monitoring positions.
3. Correspondence shall be distributed at least 2 weeks prior to any event taking place to local residents and businesses within at least 0.5 miles of the site to advise on the details of the upcoming event, including at minimum the date, name and type of event; dates and times of sound checks; times of amplified music performances throughout the event; contact name and number of a person who shall be available at all times to respond to any concerns or complaints; dates and times of any firework displays (if applicable).
  4. The premises and its exterior shall be cleared of litter at regular intervals throughout any event, and fully and promptly following any event.
  5. Notices will be positioned at the public exits to any event requesting customers to leave in a quiet and orderly manner.

#### **D) The Protection of Children From Harm**

1. No entry shall be permitted to persons under 18 years of age.
2. A Challenge 25 Policy shall be implemented in full at the entrance to any event carried out under this licence, with full and appropriate identification sought from any person who appears to be under the age of 25. The only acceptable forms of identification shall be photographic driving licences, passports, HM forces cards, or a form of identification with the "PASS" hologram. Any person who cannot produce full and appropriate identification when requested to do so shall not be permitted entry to the premises.
3. Those purchasing tickets to the event shall be advised in advance of the event to bring appropriate identification with them.
4. A Challenge 25 Policy shall further be implemented in full in respect of all sales of alcohol.

5. All staff who are to sell alcohol will be trained, and such training will include the Challenge 25 Policy and its operation.
6. Notices must be displayed in prominent positions at each point of sale indicating that the Challenge 25 Policy is in force and advising what forms of ID are acceptable.

### **Noise conditions agreed with Environmental Health**

1. The event shall comply fully with The Noise Council: Code of Practice on Environmental Noise Control at Concert 1995 and any subsequent guidance published by The Noise Council which seeks to supersede it.
2. The Forbidden Festival shall not be held on any day which coincides with another outdoor music event in the vale of Belvoir for which notice of that event has already been received by the Local Authority.
3. A suitably qualified acoustic consultant shall be commissioned to oversee all sound management controls for event. The consultant shall be present on site for the duration of amplified music.
4. The licence holder shall ensure that all relevant staff including the event promoter, sound system supplier and all sound engineers are informed of the sound control limits and that any instructions from the acoustic consultant regard noise levels shall be implemented.
5. A noise propagation test shall be undertaken prior to the start of the event in order to set appropriate control limits at the sound mixer position. The sound system shall be configured and operated in a similar manner as intended for the event. The sound sources used for test shall be representative to the music likely to be produced during the event.
6. The licence holder shall be responsible for monitoring for 'rogue' sound systems, including in the car parks and camping areas associated with the event.
7. Any noise sensitive receiver (including third-party Belvoir Castle tenants) shall waive their rights to the protections afforded to a NSR only when written confirmation has been received by the Local Authority.
8. The dedicated complaints system shall include both an oral telephone hotline and a written, 'online' form of communication. The complaints system shall be staffed throughout the duration of the event. All complaints shall be logged. This is to include the name of the contact, telephone number and/or email address, their location (if disclosed), a brief description of the issue and subsequent investigation and intervention (if any). The log is also to include unidentified or anonymous contacts. The log will be available for inspection by the Local Authority during the event and a final copy provided to them within a week after the event.
9. Any premises licence, including any subsequent variations, granted to Forbidden Festival Limited (the licence holder) in respect of the

Forbidden festival at Frog Hollow, Belvoir is operator limited and cannot be transferred to any other party.