



Forbidden Forest Festival

Premises Licence New Application

Corporate Priority:	Connected with and led by our community
Relevant Ward Member(s):	Croxton Kerrial – Cllr Alan Hewson
Date of consultation with Ward Member(s):	28 November 2023
Exempt Information:	No

1 Summary

This report provides information for Members when determining the application for a shadow premises licence on land within the grounds of and owned by Belvoir Castle, known as Knipton Pastures & Frog Hollow, Belvoir Castle Grounds, Belvoir NG32 1PE for the Forbidden Forest Festival. The applicant currently holds a Premises Licence MMA0327 for this site which is for a four-day festival for up to 14,999 persons. The new application is for a five-day festival for up to 24,999 persons and the application is attached as **Appendix A**. Members will be required to consider the information presented and determine the application by taking such steps it considers appropriate for the promotion for the Licensing objectives.

2 Recommendations

- 2.1 It is recommended that the Sub-Committee have regard to the application, all relevant representations, to Melton Borough Council's Licensing Policy, all relevant statutory provisions, statutory guidance and the options available as set out in this report in making a reasonable and proportionate determination, which will promote the Licensing objectives.

3 Key Factors

3.1 Reason for Committee Determination

The Licensing Act 2003 (the 2003 Act) came into force in November 2005. It passed the powers to the Local Authority to licence premises for any of the following licensable activities:

- The sale by retail of alcohol;
- The supply of alcohol by or on behalf of a club or to the order of a member of the club;
- The provision of regulated entertainment; and
- The provision of late night refreshment.

The licensing objectives are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

Each objective is of equal importance.

3.2 The 2003 Act states that promotion of the four objectives is paramount at all times.

3.3 The 2003 Act allows interested persons, and responsible authorities to make representations about any new application or any application to vary an existing licence. Where representations are received (which are valid), the Act states that the application must be determined by the Licensing Committee or its Sub-Committee.

4 Report Details

4.1 Forbidden Festival Limited was first granted a premises licence on 02 March 2022 to hold a one-off 4-day music festival including camping for 14,999 persons (excluding staff/security). Following this event, they applied for a permanent licence for the same event and were granted licence MMA0327 with effect from 10 February 2023 (**Appendix B & Bi**). This event took place between 02-05 June 2023 at a capacity of 8,000 person on Friday, 14,300 Saturday and 10,500 on Sunday. Following this event, Melton Borough Council were contacted by Local Councillors as well as local residents raising concerns regarding traffic, noise and general disruption to the rural environment. These concerns were noted and reported back to the organisers during SAG meetings where responsible authorities are present. It is expected that the detailed management plans being prepared by the organisers will address these concerns.

4.2 A variation application was submitted on 11 September 2023 to increase the capacity to allow 24,999 people (excluding staff/security) and to lodge an updated plan to accompany this. The variation application was withdrawn to address the issues raised by representations made during the consultation process.

4.3 A new application was made on 27 November 2023 for a further premises licence for a five-day music festival for 24,999 people, to shadow the existing licence MMA0327, with the intention of surrendering the current licence if a new one is granted.

4.4 It is anticipated that the next event will take place between 31 May – 2 June 2024.

4.5 The application was advertised by way of a public notice in the Grantham Times and blue notices around the site (**Appendix D & E**).

4.6 The premises licence application would allow for:

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

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

Playing of recorded music

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

All licensable activities cease within the festival site area at 23:00 and continue at the campsite area until 03:00 in the form of a silent disco.

Late Night Refreshment

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

All licensable activities cease within the 'Festival Site' area at 11pm. Late night refreshment continues until 5am on the campsite area.

Supply of alcohol for consumption on the premises

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

All licensable activities cease within the festival site area at 23:00 and continue at the campsite area until 03:00

Opening hours

Thursday 10:00 – 23:59

Friday 00:00 – 23:59

Saturday 00:00 – 23:59

Sunday 00:00 – 23:59

Monday 00:00 - 12:00

The new proposed plan is attached to this report (**Appendix C**).

4.7 The premises licence variation application was received on Monday 27 November 2023. The last day for representations was the 25 December 2023.

4.8 The applicant has submitted the following supporting documentation:

- An Executive summary (**Appendix G**).
- Operating Schedule (**Appendix H**).
- Acoustic noise report from F1 acoustics company Limited (**Appendix I**).
- Report from Alex Fish Events traffic and transport with regards to the extra numbers attending (**Appendix J**).
- Statement from Geoff Feavyour, giving an operational review and recommendations (**Appendix K**).

5 Summary of the Application:

The premises licence application is for a 5-day music festival Thursday to Sunday with the Monday morning as a departure day for 24,999 persons.

- 5.1 The plan of the site layout accompanying the licence is proposing slight changes to the layout.

6 Relevant Policies

- 6.1 This application must be considered in accordance with the Melton Borough Council's 'Licensing Act 2003, Statement of Licensing Policy 2022'.

7 Representations

- 7.1 Following the display of the notice of application to the Licensing Authority, there is a 28 day statutory consultation period for applications. During this time, representations can be made relating to the matter which is applied to be varied.
- 7.2 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.
- 7.3 None of the responsible authorities have provided representations.
- 7.4 All representations have to meet basic legal and administrative requirements, must not be frivolous or vexatious and relate to 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 Officers and determined to have met the requirements of the 2003 Act.
- 7.5 Other persons are also able to make representations and 31 such representations were received for this application. A summary of all the representations is outlined below and copies of all the representations can be found at (**Appendix F**).

7.6 L Flavin - Bottesford Parish Council – Appendix F(1)

The representation received from Bottesford Parish Council relates to 3 of the licensing objectives, namely prevention of crime and disorder, public safety & prevention of public nuisance.

7.7 Mr & Mrs M Allen – Appendix F(2)

The representation received from Mr & Mrs Allen relates to all 4 of the licensing objectives, namely prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm.

7.8 C Hughes - Appendix F(3)

The representation received from Ms Hughes relates to 3 of the licensing objectives, namely Prevention of Crime & Disorder, Public Safety & the prevention of public nuisance.

7.9 M Jones – Barkestone, Plungar and Redmile Parish Council - Appendix F(4)

The representation received from Barkestone, Plungar and Redmile Parish Council relates to all 4 of the licensing objectives, namely prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm.

7.10 R & A Pape – Appendix F(5)

The representation received from R&A Pape relates to 2 of the licensing objectives, namely public safety & prevention of public nuisance.

7.11 P Carr – Belvoir Parish Council - Appendix F(6)

The representation received from Belvoir Parish Council relates to all 4 of the licensing objectives, namely prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm.

7.12 K Bygott – Appendix F(7)

The representation received from K Bygott relates to all 4 of the licensing objectives, namely prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm.

7.13 A Garrow – Appendix F(8)

The representation received from A Garrow relates to all 4 of the licensing objectives, namely prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm.

7.14 L Hunt – Lincolnshire County Council Highways - Appendix F(9)

The representation received from L Hunt relates to 2 of the licensing objectives, namely public safety & prevention of public nuisance.

7.15 Anonymous - Appendix F(10)

The representation received from person wishing to remain anonymous relates to 2 of the licensing objectives, namely prevention of crime and disorder and prevention of public nuisance.

7.16 G Thomas - Appendix F(11)

The representation received from G Thomas supports the application.

7.17 T Jones - Appendix F(12)

The representation received from T Jones relates to all 4 of the licensing objectives, namely prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm.

7.18 O Rees-Jones - Appendix F(13)

The representation received from O Rees-Jones relates to 3 of the licensing objectives, namely public safety, prevention of public nuisance and protection of children from harm.

7.19 A & I Comerford - Appendix F(14)

The representation received from A&I Comerford relates to all 4 of the licensing objectives, namely prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm.

7.20 C Moody - Appendix F(15)

The representation received from C Moody relates to 2 of the licensing objectives, namely public safety and prevention of public nuisance.

7.21 W Hurrell - Appendix F(16)

The representation received from W Hurrell relates to 2 of the licensing objectives, namely prevention of crime and disorder and prevention of public nuisance.

7.22 P & L Humphreys - Appendix F(17)

The representation received from P&L Humphreys relates to all 4 of the licensing objectives, namely prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm.

7.23 M McPheat - Appendix F(18)

The representation received from M McPheat relates to 2 of the licensing objectives, namely public safety and prevention of public nuisance.

7.24 E Johnstone - Appendix F(19)

The representation received from E Johnstone relates to all 4 of the licensing objectives, namely prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm.

7.25 S Johnstone - Appendix F(20)

The representation received from S Johnstone relates to all 4 of the licensing objectives, namely prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm.

7.26 R Cooper - Appendix F(21)

The representation received from R Cooper relates to all 4 of the licensing objectives, namely prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm.

7.27 S Bellamy – Denton Parish Council - Appendix F(22)

The representation received from Denton Parish Council relates to 4 of the licensing objectives, namely prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm.

7.28 P Carr – Vale Parishes Group - Appendix F(23)

The representation received from P Carr relates to all 4 of the licensing objectives, namely prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm.

7.29 C Underwood – Stathern Parish Council - Appendix F(24)

The representation received from C Underwood relates to all 4 of the licensing objectives, namely prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm.

7.30 R Leadenham - Appendix F(25)

The representation received from Cllr R Leadenham relates to all 4 of the licensing objectives, namely prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm.

7.31 D Carre – Appendix F(26)

The representation received from D Carre relates to 1 of the licensing objectives, namely public safety.

7.32 J Turner - Appendix F(27)

The representation received from J Turner relates to all 4 of the licensing objectives, namely prevention of crime and disorder, public safety, prevention of public nuisance & protection of children from harm.

7.33 L Devine – Appendix F(28)

The representation received from L Devine relates to 4 of the licensing objectives, namely prevention of crime and disorder, public safety, prevention of public nuisance & protection of children from harm.

7.34 D & C Slack – Appendix F(29)

The representation received from D & C Slack relates to 1 of the licensing objectives, public safety.

7.35 C & N Elias – Appendix F(30)

The representation received from C & N Elias relates to 2 of the licensing objectives, namely public safety and prevention of public nuisance.

7.36 B Creighton – Appendix F(31)

The representation received from B Creighton relates to 2 of the licensing objectives, namely public safety and prevention of public nuisance.

8 Policy & Guidance Considerations

8.1 Members must consider all relevant representations and any additional information in support of these which is offered at the hearing. Members are reminded that whenever they make a decision under the 2003 Act, they have a duty to act with a view to promoting the licensing objectives.

8.2 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.

8.3 The application should be considered on its merits and any decision should be reasonable and proportionate.

8.4 In making its decision, Members are also obliged to have regard to Guidance issued by the Secretary of State under Section 182 of the 2003 Act.

8.5 Paragraph 9.4 of the guidance states '*For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation*'.

Guidance:

8.6 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1178789/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_removal_of_minor_variation_relati...pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1178789/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_removal_of_minor_variation_relati...)

8.7 Officers consider that the following paragraphs may have a bearing upon the application;
1.1 to 1.5 (the licensing objectives summary),
2.1 to 2.10 (crime and disorder, public safety),
2.15 to 2.21 (public nuisance) – of particular note

2.20 'It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the

licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter’.

2.1 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises.

2.26 ‘Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in antisocial behaviour is accountable in their own right.’

3.1 to 3.2 (summary of licensable activities),

3.11 (regulated entertainment),

8.41 to 8.49 (steps to promote licensing objectives),

8.69 to 8.73 (licensing conditions),

8.80 to 8.87 (advertising applications),

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)

9.4 (*Representations for variation applications*)

10.1 to 10.10 (conditions attached to premises licenses)

14.1 to 14.3 (local statement of licensing policy).

14.42 (Cumulative Impact Assessment) of particular note:

The absence of a CIA does not prevent any responsible authority or other person making representations on an application for the grant or variation of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives, However, in each case it would be incumbent on the person making the representation to provide relevant evidence of cumulative impact.

Section 14.22 describes cumulative impact as - Local services such as public transport, public lavatory provision and street cleaning may not be able to meet the demand posed by such concentrations of drinkers leading to issues such as street fouling, littering, traffic and public nuisance caused by concentrations of people who cannot be effectively dispersed quickly).

8.8 The Council’s own Statement of Licensing Policy can be found online at:

Policy: <https://www.melton.gov.uk/media/hbjawxhz/statement-of-licensing-policy-2022-002.pdf>

9 Other Relevant Considerations:

9.1 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 all parties to this Hearing. Any decision taken by the Sub-Committee must be necessary and proportionate to the objectives being pursued.

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. 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.

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

9.3 Members are advised that if a licence were granted, statutory consultees are consulted with in the form of a Safety Advisory Group (SAG) prior to the event. During this time, they have the opportunity to comment on plans with the organiser and offer advice in their field of specialism. Those bodies may not however, change the content of any licence granted however each has its own statutory powers, which can also be used if appropriate to promote the safe running of the event.

10 Options available:

10.1 Members are required to have regard to the application and any relevant representations and determine which of the following steps they consider appropriate for the promotion of the licensing objectives. On considering the merits of the premises licence application before them, section 18(4) of the 2003 Act gives the Sub-Committee options to:

a) to grant the licence subject to—

- (i) the conditions referred to in the operating schedule modified to such extent as the authority considers for the promotion of the licensing objectives, and
- (ii) any condition which must under section 19, 20 or 21 be included in the licence.

(b) to exclude from the scope of the licence any of the licensable activities to which the application relates.

(c) to refuse to specify a person in the licence as the premises supervisor.

(d) to reject the application.

For the purposes of sub-paragraph a) above, a condition is modified if it is altered or omitted or another condition added.

11 Consultation & Feedback

11.1 The consultation period commenced on 27 November 2023 for 28 days ending on 25 December 2023. During this time all the statutory consultees were provided with a copy of the application for their consideration.

11.2 During this period, 31 representations were received as detailed in the body of the report (section 7) and listed in (**Appendix F**).

12 Next Steps

- 12.1 The Sub-Committee is allowed a period of 5 working days following the hearing to make a decision however, a decision is usually made at the end of the hearing itself and communicated orally to the parties. Written notice of that decision must then be given to the parties.
- 12.2 The Sub-Committee should note that the applicant does have the right of appeal within 21 days of being notified of the decision.

13 Financial Implications

- 13.1 There are no direct financial implications. However, recent work on managing the licence for events and festivals in the Vale of Belvoir has highlighted the need for this additional technical resource. There are more and more events being planned during the year that generates complaints from the local communities. Managing the process requires additional resources, capability and capacity within the team.

Financial Implications reviewed by: Assistant Director for Resources

14 Legal and Governance Implications

- 14.1 The Council is the licensing authority for the purposes of the 2003 Act.
- 14.2 In accordance with the 2003 Act, the Council has delegated its licensing functions to its Licensing Committee, Sub-Committees and Licensing Officers and, as stated above, since relevant representations have been received the decision whether to grant a licence must be made by the Committee or a Sub-committee.
- 14.3 Any decision must be taken following consideration of the representations received with a view to promoting the licensing objectives stated at paragraph 3 above. When making its decision the Sub-committee must have regard to the Statutory Guidance issued under the 2003 Act, relevant parts of which will be referred to during the hearing. The Sub-committee must also have regard to the Council's Statement of Licensing Policy, relevant parts of which will be referred to during the hearing.
- 14.4 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: Clive Tobin, Assistant Director for Governance and Democracy.

15 Equality and Safeguarding Implications:

- 15.1 There are no equality implications arising directly from this report.
- 15.2 Issues have been raised regarding traffic safety this would be normally dealt with via the Safety Advisory Group (SAG) and traffic management plans submitted by the organiser prior to the event.

16 Community Safety Implications:

- 16.1 The community safety implications raised in the representations regarding drug dealing, crime & associated paraphernalia would be normally dealt with via the Safety Advisory Group (SAG) and Security management plans submitted by the organiser prior to the event.

17 Appendices

- 17.1 A - Premises licence application.
- 17.2 B - Current Shadow premises Licence MMA0327.
- 17.3 Bi - MMA0327 Site plan.
- 17.4 C - Proposed new site plan.
- 17.5 D - Blue notices.
- 17.6 E - Public notice in the Grantham Journal.
- 17.7 F - Representations (1-31).
- 17.8 G - Executive summary.
- 17.9 H - Operating Schedule.
- 17.10 I - Acoustic Noise report.
- 17.11 J - Report of Alex Fish
- 17.12 K - Statement of Geoff Feavyour.

Report Author:	Simon Greensmith – Licensing & Compliance officer
Report Author Contact Details:	01664 502384 licensing@melton.gov.uk
Chief Officer Responsible:	Pranali Parikh
Chief Officer Contact Details:	01664 504321 PParikh@melton.gov.uk