

# Licensing Sub-Committee DECISION NOTICE

## DETERMINATION OF A PREMISES LICENCE

**Meeting:** LICENSING ACT 2003 SUB-COMMITTEE  
HEARING at Melton Borough Council on 22  
January 2024

**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, as per the operating schedule and further modification of conditions in order to promote the licensing objectives.

### **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 various Public Authorities, the Representations of the Other Persons, the Council's

Statement of Licensing Policy and Guidance issued under section 182 of the Licensing Act 2003 ('the Act').

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. This application for the premises licence had been made and served on the Responsible Authorities, the associated fee had been paid and the application had been advertised in accordance with the Act.
2. Protection of the public and promotion of the licensing objectives is paramount, however the Sub-Committee recognise that this decision under the Act must be a balancing exercise between the promotion of those licensing objectives and the positive benefits that events such as the one under consideration can bring to the local area both economically and culturally.

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

- 1 The Sub-Committee took into account all of the representations received from Other Persons.
- 2 The Sub-committee took into account the undertaking of the Applicant to surrender the existing premises licence held by it in relation to the Forbidden Forest Festival and viewed this application (upon its own merits) accordingly.
- 3 The Sub-Committee noted the efforts that the Applicant had gone to in addressing the various concerns raised in relation to the application. The Sub-Committee commended the Applicant for the

early and ongoing engagement with Responsible Authorities and other Public Authorities and would encourage continuation of this approach.

- 4 The Sub-Committee noted and welcomed the agreement that had been reached between the Applicant and Lincolnshire County Council's Highways Authority and the agreed conditions that arose from that. These conditions were added to the granted premises licence, subject to such modification to avoid duplication of other conditions, to ensure enforceability and to remove where not achievable.
- 5 When deciding to grant the licence, the Sub-Committee took account of the close involvement of the Safety Advisory Group with any future event and the oversight it would have to ensure that the event promoted the licensing objectives. They also took account of the Applicant's obligation to engage with that Group. This provided considerable reassurance to the Sub-Committee.
- 6 The Sub-Committee noted in particular the greatly increased number of representations from Other Persons following last year's event.
- 7 The Sub-Committee noted and welcomed the steps the Applicant had taken to ensure a more positive framework for discourse and co-operation with local residents and Parish Councils under this granted licence. In furtherance of this approach, the Sub-Committee made further modifications to conditions in association with that framework in order to positively encourage that engagement, which it felt was in all Parties' best interests and would further promote the licensing objectives. The Sub-Committee also welcomed the Applicant's suggested modification of proposed condition 58 on the operating schedule to increase the radius of pre-event correspondence to residents and businesses to 3.5 miles and modified that condition accordingly.
- 8 The Sub-Committee carefully considered the scope of the application in terms of the increased capacity of two thirds from that

authorised under the current premises licence, the various associated steps of mitigation that had been proposed by the Applicant to promote the licensing objectives, and the impact that the 2023 Festival (under a premises licence held by the same company) had on Other Persons making representations, and local residents more widely - and determined that to grant the licence would require the licence holder to have to comply with much more exacting steps in relation to the matters that had been raised by the Other Persons who had made representations. That seemed fair and proportionate to the Sub-Committee. These steps would entail the imposition of further conditions, and modification of conditions contained within the operating schedule, in order to arrive at a determination that further took those experiences and concerns into account.

- 9 In relation to traffic in association with the event, the Sub-Committee had a number of significant concerns, given the representations of Other Persons and the two thirds increase in authorised attendees over the existing licence that was sought by the Applicant. In considering this, the Sub-Committee had regard to section 2.27 of the Section 182 Guidance, but also noted the various representations made to it and in the course of the application process by the Applicant around traffic mitigation measures (especially in relation to local villages) being a core part of their submissions to support the granting of this application, and took those submissions at face value. These concerns were particularly focused on the inevitable increase in traffic from the greater number of attendees, the longer duration of the event than authorised on the current premises licence and the consequent impact those factors were likely to have on local residents over a longer period, and in particular the significant risk of traffic issues being experienced by the residents of the village of Denton. In particular, the Sub-Committee were concerned about the cumulative effect of traffic from attendees from the Thursday through to the Sunday and many of the associated steps they took to promote the licensing objectives when making this determination,

including in relation to numbers and types of attendees, were aimed at mitigating this and to avoid traffic issues occurring over the course of the four days of the event. The Sub-Committee reminded themselves that the Applicant would have the opportunity to apply to vary the granted licence once it had demonstrated that this particular increase in the number of attendees, in conjunction with the effective operation of the relevant conditions on the premises licence, did not cause nuisance to local residents. The Sub-Committee also reminded themselves that the maximum capacity it had granted was in accordance with the band that the Applicant had applied for and paid the associated fee in relation to under Schedule 3 of the Licensing Act 2003 (Fees) Regulations 2005. When considering this issue of traffic in particular, the Sub-Committee carefully considered the material before it, the representations of all the Parties and undertook a careful and considered value judgement and evaluation of risk.

- 10 In relation to the cessation of audible regulated entertainment at any time on the Thursday, and after 23:00 on the Friday, Saturday and Sunday of the event, the Sub-Committee welcomed the clarification of the Applicant on this point and imposed a condition confirming this in order to make it clear what was required once regulated entertainment was performed under the granted premises licence. Having considered the material before it, and the lack of any representation from Melton BC's Environmental Health, the Sub-Committee did not consider that there was any evidence of public nuisance emanating from the previous event in 2023 in relation to regulated entertainment.
- 11 The Sub-Committee also considered the absence of any representation from Leicestershire Police or any other Responsible Authority when deciding to grant the licence.

- 12 There were a number of other matters that were raised in the course of the hearing where the Sub-Committee considered the imposition of conditions would promote the licensing objectives. Some of these conditions required the involvement of third parties to some extent, in relation to such matters as transport to and from the event, logistical supplies to the event and road signage. The Sub-Committee recognised that the Applicant could not be required to comply with conditions that it was not capable of meeting, or matters over which it had no control. It therefore framed those conditions accordingly.
- 13 The Sub-Committee considered the Application, the Operating Schedule and agreed conditions including those reached with the Lincolnshire County Council's Highways Authority. 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 appropriate conditions.

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

- (i) The report presented by Sarah Flower, Licensing & Compliance Officer for Melton Borough Council;
- (ii) The Applicant's submissions;
- (iii) The written representations received from Other Persons (including Lincolnshire County Council's Highways Authority);
- (ii) The relevant provisions of the Act and the four licensing objectives;
- (iii) The Human Rights Act 1998;
- (iv) Relevant case law;
- (v) Melton Borough Council's Statement of Licensing Policy dated 2022;
- (vi) The guidance issued by the Secretary of State under s.182 of the Act (dated December 2023).

## Decision:

The Sub-Committee did not consider that the Representations made by the Other Persons could justify the refusal of the application on the ground that granting the application would undermine the licensing objectives, given the steps proposed by the Applicant and the power of the Sub-Committee to modify the operating schedule in order to promote those 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. There will be no more than 22,000 attendees at the event and there will be no more than 17,000 holders of camping tickets with access to the event from Thursday through Monday and 5,000 holders of day tickets with access to the event on the Saturday or the Sunday.*
- ii. The Premises Licence Holder shall liaise with the relevant authorities in advance of the event regarding road signage on the A1 and the areas surrounding the event with a view to reducing associated traffic congestion and to discourage access to the event by routes more likely to cause congestion and nuisance.*
- iii. The Premises Licence Holder shall require their own staff and any supplier of goods or services not to access, supply or deliver those goods or services to or from the event in vehicles that take any route via the village of Denton other than those aiding traffic control or investigating complaints. The Premises Licence Holder will keep a record of any staff or supplier failing to comply with this requirement, which will include a record of any sanction imposed, and this record will be available for inspection by any Responsible Authority and Lincolnshire County Council's Highways Authority upon request.*
- iv. The Premises Licence Holder shall require the event's bus shuttle services not to take any routes to or from the event via the village of Denton or routes agreed with the Community*

*Liaison Group as unsatisfactory routes. The Shuttle bus route shall be contained in the Traffic Management plan.*

- v. *The Premises Licence Holder shall liaise and positively engage with the local taxi and private hire trade for the purpose of providing adequate transportation to and from the event and to avoid causing traffic disruption to local residents in association with the event.*
- vi. *At least one month after each event, the Premises Licence Holder will hold a review meeting with the Community Liaison Group to discuss any issues which arose from the event, especially in relation to public nuisance, crime and disorder and traffic and to consider any additional measures to be applied to future events to promote the licensing objectives.*
- vii. *No audible regulated entertainment will be performed at the event, other than via silent disco headsets, on a Thursday at any time, or after 23:00 on a Friday, Saturday and Sunday.*
- viii. *The Premises Licence Holder will supply sufficient personnel to respond to complaints that arise from the event's rapid response complaints hotline.*
- ix. *The Premises Licence Holder will allocate an organised drop off and pick up point to reduce roadside pick-ups and traffic disruption in association with the event.*

The Sub-Committee also added the following conditions to the premises licence that were agreed with Lincolnshire County Council's Highways Authority and subject to modification:

- i. *The Premises Licence Holder will record the traffic management arrangements associated with the event, which shall include daily photographs to verify that the traffic management signs are in place and visible, each day the event takes place, and this record will be available for inspection by any Responsible Authority and Lincolnshire County Council's Highways Authority upon request.*
- ii. *The Premises Licence Holder will submit a full Traffic Management Plan to Lincolnshire County Council's Highways Authority no later than five weeks before each event, in order for an evaluation of Temporary Traffic Regulation Orders associated with the event to take place.*



- iii. *The Premises Licence Holder will submit to Lincolnshire County Council's Highways Authority a 'Register an Event on the Highway' form no later than ten weeks before each event, in order for an evaluation of any potential traffic conflicts to take place.*

The Sub-Committee also added modified conditions 57 and 58 on the operating schedule to read as follows:

*57. A Community Liaison Group shall be established whose remit shall be to facilitate discussion between the Premises Licence Holder, the local parish councils and the local community about the festival which shall comprise representatives of the local community and a senior responsible representative of the Premises Licence Holder. The Premises Licence Holder will organise, with at least one month notice, three meetings of the Community Liaison Group in each of the three months that precede each event. These meetings and the post-event review meeting will be minuted and those minutes will be available for inspection by any Responsible Authority and Lincolnshire County Council's Highways Authority upon request.*

*58. Correspondence shall be distributed at least 2 weeks prior to any event taking place to local residents and businesses and Parish Councils within at least 3.5 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). A telephone number providing access to a 'Reporting Hotline' shall be shared to those residents, businesses and Parish Councils in case of issue during the course of the event.*

### **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 written 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: 29<sup>th</sup> January 2024

Signature: **A Thwaites**

CLlr Allen Thwaites - Chair of the Licensing Sub-Committee

# APPENDIX 1

## Conditions

### Operating Schedule – Forbidden Forrest

#### General

1. *Licensable activities shall be permitted to take place under this licence on no more than 5 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 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.*
3. *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.*

#### Planning for events

4. *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:*
  - *Contact details of the persons/organisations responsible for:*
    - *Overall event safety control.*
    - *Medical and first aid provision.*
    - *Site management and structural integrity of temporary structures.*
    - *Crowd management, stewarding and security.*
    - *Fire safety.*
    - *Configuration and control of sound systems.*
    - *Management of car parking.*
    - *Management of concessions.*

- *Provision and maintenance of water supplies.*
- *Welfare and provision of information.*
- *Reception, collection and removal of litter and other waste on and off site.*
- *Detailed proposals/timings of entertainment, together with information regarding any special effects.*
- *Details of concessionary activities including food, bars and retail sales.*
- *Details of types and locations of signage.*
- *A site safety plan including site safety rules, requirements for construction an breakdowns of site, structural safety calculations, drawings of temporary structures and safety barriers, details of electrical installations and lighting arrangements.*
- *Incident contingency and emergency plans (including a major incident plan).*
- *Details for the provision of cleaning and maintenance of sanitary accommodation, washing facilities and drinking water.*
- *Details for the collection and disposal of litter and other waste.*
- *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.*

5. *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.*
6. *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 views of the Community Liaison Group at least 14 days prior to any proposed event.*
7. *The traffic management plan should include the provision for earlier warning signage of the recommended route where possible.*
8. *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:*

- (a) *a site layout plan detailing stage locations, speaker orientations, car parking locations and the locations of the nearest noise sensitive areas;*
- (b) *a stage program including the time each act is performing and the type of music being performed;*
- (c) *hours of operation and the target 'on-the-dancefloor' sound pressure levels*
- (d) *details of the consultation measures that will take place or have taken place with potentially affected occupants of noise sensitive premises;*
- (e) *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.*

*Public nuisance*

9. *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.*
10. *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.*
11. *The premises licence holder shall appoint a suitably qualified and experienced acoustic consultant in relation to any event, who shall be commissioned to oversee all sound management controls for the 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.*
12. *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.*
13. *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.*
14. *The licence holder shall be responsible for monitoring for 'rogue' sound systems, including in the car parks and camping areas associated with the event.*
15. *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.*

16. *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.*
17. *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.*
18. *The premises and its exterior shall be cleared of litter at regular intervals throughout any event, and fully and promptly following any event.*
19. *Notices will be positioned at the public exits to any event requesting customers to leave in a quiet and orderly manner.*

#### *Public safety*

20. *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;*
21. *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*
22. *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).*
23. *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.*
24. *Ticket printing manifests and sales figures will be provided on request to the Council's Licensing Authority.*
25. *The ticketed capacity will not exceed the maximum capacity permitted by the premises licence.*

26. *Appropriate and sufficient first aid and medical equipment and staff shall be available and employed at the premises throughout the course of any event.*
27. *The premises licence holder shall maintain public liability insurance.*
28. *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.*
29. *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.*
30. *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.*
31. *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 order and repair and serviced throughout the event to ensure that they are kept safe, clean and hygienic.*
32. *Drinks (both alcoholic and non-alcoholic) shall not be sold or served in glass containers at any time.*
33. *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.*
34. *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.*
35. *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.*
36. *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.*
37. *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.*

38. *All generators on the premises shall be diesel driven.*
39. *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.*
40. *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.*
41. *The siting of all vehicles, generators, tents, marquees etc. shall be to the satisfaction of the Fire and Rescue Service.*
42. *Concessions with cooking facilities shall be positioned to the satisfaction of the Fire and Rescue Service.*

*Prevention of crime and disorder*

43. *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.*
44. *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.*
45. *A log of those door staff employed shall be maintained at the premises and shall include:*
  - (a) *the number of door staff on duty;*
  - (b) *the identity of each member of door staff and their SIA number;*
  - (c) *the times the door staff are on duty.*
46. *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.*
47. *A search policy shall be implemented and adhered to during the course of any event.*
48. *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.*
49. *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.*

*Protection of children from harm*

50. *No entry shall be permitted to persons under 18 years of age.*
51. *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.*
52. *Those purchasing tickets to the event shall be advised in advance of the event to bring appropriate identification with them.*
53. *A Challenge 25 Policy shall further be implemented in full in respect of all sales of alcohol.*
54. *All staff who are to sell alcohol will be trained, and such training will include the Challenge 25 Policy and its operation.*
55. *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.*

*Community collaboration and response*

56. *A rapid response team shall be employed by the premises licence holder and deployed during the course of the event for use in circumstances where issues are reported in nearby villages related to the event.*