

Minutes

Meeting name	Licensing Sub-Committee
Date	Monday, 4 March 2024
Start time	10.00 am (started at 10.17am)
Venue	Parkside, Station Approach, Burton Street, Melton Mowbray, Leics, LE13 1GH

Present:

Chair Councillor M. Brown (Chair)

Councillors J. Adcock A. Thwaites

Officers Assistant Director for Governance and Democracy (Monitoring Officer)
Senior Environmental Health Officer
Licensing & Compliance Officer (Business Advisor: Licensing) (SF)
Licensing & Compliance Officer (Business Advisor: Licensing) (SG)
Senior Democratic Services and Scrutiny Officer
Democratic Services Officer (SE)

For Applicant Councillor Cherry Underwood, Stathern Parish Council

For Licensee Will Hazlerigg, Noisily Festival Organiser
Lisa Gilligan, Noisily Solicitor
Chris Beal – Noisily Sound Consultant
Stuart Southwick – Noisily Security & Traffic Management

Interested Parties Councillor Ian Lowther, Barkestone, Plungar & Redmile Parish Council
Andrew Gurr, Resident
Duncan Shores, Resident
Kelly Davies, My Melton
Borough Councillor Chris Evans

Responsible Authority Robin Marston, Environmental Health Noise Consultant

Minute No.	Minute
	There was an apology for the late start time of the meeting.
LSC9	<p>Election of a Chair Councillor Mike Brown was elected as Chair for the Sub Committee meeting.</p>
LSC10	<p>Apologies for absence There were no apologies for absence.</p>
LSC11	<p>Declarations of Interest Councillor Allen Thwaites advised that he was a Trustee of Melton Mencap and one of the speakers at that meeting was also a member of that organisation. He confirmed that they had not communicated on or discussed this licensing application together.</p>
LSC12	<p>LICENSING ACT 2003 - APPLICATION FOR REVIEW OF PREMISES LICENCE - NOISILY FESTIVAL</p> <p>The Chair explained the procedure for the hearing and it was agreed that each party be allocated 20 minutes for their representation. It was also confirmed that all parties had received the relevant documentation.</p> <p>The Council's Legal Advisor, Clive Tobin, reported that 2 parish council representatives that had initially confirmed attendance for the meeting, had since advised they were unable to attend to make their representation in person. With the agreement of all present, it was confirmed to continue with the hearing.</p> <p>The Licensing and Compliance Officer, Sarah Flower, presented a report that provided information for a review of the premises licence MMA0324 held by Noisily Festival Ltd on land owned by Belvoir Castle, known as Terrace Hills Farm, Belvoir Road, Eaton, Grantham, NG32 1SN. This Premises Licence allowed for an annual four-day festival for up to 14,999 persons. She then advised that 3 supplementary agendas had been issued since despatch of the original agenda which included 2 further written representations and 3 documents from the Licensee namely an Alcohol and Drugs Policy, an email from National Highways relating to traffic signage and an Environmental Noise report.</p> <p>Members were required to consider the information presented and determine the application by taking such steps it considered necessary for the promotion of the Licensing objectives.</p> <p>Councillor Cherry Underwood of Stathern Parish Council presented the application for the Applicant.</p> <p>Members asked the following questions to which Councillor Underwood responded:</p>

The Sub Committee asked for the position on security and whether the perimeter of the site was clearly identified and what security personnel were present? Councillor Underwood explained that the site was not completely fenced and there was a gap that was open to the woods. She understood there were security personnel at the main entrance but there were none in the woods and 50 per cent of the festival was held in the woods.

The Sub Committee asked about the road traffic accident?

In response Councillor Underwood explained that there had been a collision with a tractor and someone leaving the festival. It was understood there was a significant storm on the last 2 days of the festival which had contributed to the road conditions.

The Sub Committee asked what was the most significant aspect of the noise that was important to people?

Councillor Underwood advised that it was the length of time as well as the constant thudding that went on into the early hours which made it difficult to sleep until it stopped.

The Sub Committee asked whether there was any evidence of under 18s entering the festival?

Councillor Underwood stated that anyone could have walked through the woods and onto the festival site.

The Sub Committee asked about the death?

Councillor Underwood responded that she believed the incident had been due to substance use.

Representations were made by the following:

Councillor Ian Lowther, Barkestone, Plungar & Redmile Parish Council
Andrew Gurr, Resident
Duncan Shores, Resident
Kelly Davies, My Melton
Borough Councillor Chris Evans

Robin Marsden, Environmental Health Noise Consultant, as a Responsible Authority, made his representation.

There was a short comfort break adjournment for 10 minutes at 12.07pm.

Lisa Gilligan, Solicitor made the Licence Holders' representation and responded to issues raised at the meeting.

Members asked the following questions to which the Licence Holder's Team responded:

The Sub Committee asked whether the amplified sound was stopped earlier than the licence stated?

The Licence Holder's Solicitor explained that they didn't have to go to the extent of the hours of the licence and on each night ended before the limit of 5am ie. 2am on the Thursday and 4am on Friday and Saturday nights and midnight on Sunday.

The Sub Committee asked about the security of the perimeter of the site.

The Festival Organiser, Mr Hazlerigg, responded that the site was made up of woodland and a 90 metre escarpment of private property and the fencing plan had been agreed at the SAG meetings with the Police. It was also advised that there would be 45 security staff on duty at any one time.

The Sub Committee asked about the noise breach from the 2023 event.

Mr Beale, the Festival's Noise Consultant, responded that all events were detectable and it was an ongoing situation to mitigate all sound in such a rural area and it would take more than one year to achieve this. It was explained that they had learnt from the previous festival that to relocate the stage for the next event would lower the noise levels for local residents.

It was asked with regard to highways, what learning from last year would be put in place this year?

Mr Hazlerigg advised that through the SAG they had been working with highways and a robust plan had been developed. He advised that last year's reported accident had related to a jack-knifed lorry with no one else involved and no other issues had been brought to their attention. County Highways had indicated that the event was too small for specific diversion signage however there would be some speed restrictions and the local event signage would be improved. The latest plan included external and internal traffic management and allowed for bad weather as this was an issue at the end of the last festival. The parishes had been involved in the plan's development.

The Sub Committee asked about the times for amplified music at the festival and viability for this to be reduced?

Mr Hazlerigg advised that ticket sales relied on the festival being in the current format. He added there was a light show to music after dark, from 11pm to 4am which was part of the overall expected experience.

The Sub Committee asked about arrests?

Mr Hazlerigg responded there was just 1 arrest for intention to supply. All attendees were searched on arrival including a bag search and pockets checked. There were also random searches carried out throughout the event.

The Festival's Noise Consultant, Chris Beale, responded on questions about noise levels that had arisen from the representations.

Mr Beale explained that during the last festival he had responded to complaints immediately by visiting people's homes to take readings and minimise noise levels where possible. He had been working with the Council's Environmental Health Officer in recording levels, assessing the impact and taking action where able to in real time. He advised that people in the neighbouring villages were sensitive to the noise as it was a new event. He and his colleagues were working on reducing sound levels and from the learning gathered in 2023, this would mean there would be an improvement for this year's event. He added that the festival aimed to run at a lower decibel rating than the guidance specified and to comply with the conditions.

The Sub Committee asked if the music could be closed down at 11 or 12? Mr Beale responded that the festival would continue but people who attended were used to this type of night culture and alternative types of entertainment would have to be considered.

It was asked whether there was random drug testing for staff?

Mr Hazlerigg advised that there were strict rules for staff on intoxication within their contracts.

In response to the profile of arrivals, it was advised that 70 per cent arrived on the Thursday, the average age of those attending was 34 and the majority camped in tents and camper vans.

Mr Hazlerigg advised that the site was fenced with standard fencing that was approved by the SAG.

Each party was given the opportunity to make a closing statement.

(Duncan Shores and Councillor Chris Evans were not present for the closing statements.)

The Council's Legal Advisor explained that he would provide advice to the Sub Committee upon which the Members may rely on to make their decision and in fairness to all parties he shared the following legal pointers:

- From what had been heard at the hearing, to consider whether there had been a breach of the existing licensing conditions on the licence and whether the licensing objectives had been undermined as a result of that.
- If they found that to be the case, then for each potential breach, they needed to consider what the impact was and how that could be addressed including to consider whether the Licence Holder's proposals for this year would address the issues. What they had to bear in mind was that anything they did, should be appropriate and proportionate, for example, there had been a suggestion from some parties that the licence be revoked, however it would be inappropriate to take such action if it could be dealt with by a lesser course of action such as changing the conditions.

- There was no reason to raise what may have or have not happened at Market Harborough as that was a different licence for a different site and for a different time. There was no material of any substance before the Sub Committee in relation to that anyway.
- There was a reference to the Noise Act 1996 by one party that was misleading as this did not require all noise to stop at 11.00pm but instead allowed local authorities to take specified steps to deal with complaints.
- The Licence Holder's Solicitor had said that the Police was the source of advice on crime and disorder and that was true with one qualification that the statutory guidance stated the Police should be the main source on advice on crime and disorder issues so it didn't preclude the Sub Committee from hearing from other parties based on what they said on the presence or absence of crime.
- If the Sub Committee considered attaching conditions or varying or modifying existing conditions to deal with the issues they had to be within the control of the Licence Holder. For example, there were comments about the failure of the Police and highways to meet with the parishes and that was outside of the control of the Licence Holder in any event so that was not something that could be imposed and the type of condition that might be appropriate would vary with each issue when they had heard from all the parties' suggestions.
- It was suggested that the Council adopt a cumulative impact policy but that was not something the Sub Committee could do in relation to the licence application and if pursued would have to be dealt with completely separately and this was not an option open to the Sub Committee so that would have to be disregarded.

At 2.15pm, the meeting was adjourned to allow the Sub Committee to consider their decision.

At 3.37pm the meeting was reconvened.

The Legal Advisor stated that the following was a summary of the decision and as required by the regulations [a formal decision](#) would be issued within 5 days and sent to all parties and those who had made representations.

RESOLVED

That the Sub Committee heard a considerable amount of detail from all parties regarding the issues that had arisen or were believed to have arisen in relation to the event held in 2023 and the steps taken or were proposed to be taken this year in relation to the festival. Having considered what was said at the meeting and all the previous documents submitted, the Sub Committee made a number of findings as follows:

- **On the material before them it was hard to identify any specific issue**

regarding the protection of children from harm which justified any specific conditions or restrictions on the licence.

- Similarly in relation to crime and disorder, even though there was a reported death at the site and one arrest for a drug related offence, the Sub Committee was not satisfied from the material before them that there was any direct culpability of the licence holder which would justify additional conditions or other action being taken in relation to the licence to address crime and disorder concerns.
- The Sub Committee noted the revised Traffic and Highway Safety Management Plan which they believe would address the concerns that have been raised regarding access to the site and for that purpose the agreed Traffic and Highway Safety Management Plan shall be treated as being formally part of the licence.
- The Sub Committee was concerned at noise levels and the wide-spreading impact of these. The material before them included first-hand accounts from residents and technical evidence; the comments made by the Environmental Health Noise Consultant in relation to the subjectivity of noise nuisance made clear that both these types of material carried significant weight. Accordingly the Sub Committee decided to take some action to address the risk of further noise nuisance being caused and considering the steps available to it, believe that the appropriate step is to modify certain conditions of the licence.
- The Noise Plan which must be submitted in accordance with the current licence must take into account the matters set out in the document from Hydrock dated 18 February 2024 and submitted by the Licence Holder in response to this review application.
- The Noise Plan and the modelling in it shall be approved by the Council's Environmental Health Officers or appointed expert. The Council's Environmental Health Officer shall determine whether the levels set out in the licence and the associated Noise Plan are exceeded at any time during the festival and as to whether adjustment is required to respond to those.
- There shall be no amplified music after midnight on any of the days the festival is operating.
- The Sub Committee consider it appropriate to add a condition which requires the Vale Group of Parishes Councils to be consulted in relation to noise monitoring, security and highways matters at least 6 weeks prior to the event and a debriefing be carried out with the Vale Group within 4 weeks after the event.

Right to Appeal

There was 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.
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The meeting closed at: 3.42 pm