

Vann Fest – Vann Farm, Vann Farm Road, Ockley, Surrey

Decision Notice: Application for a Premises Licence

This notice confirms the decision of the Licensing Sub-Committee made at a meeting on 22nd May 2017.

The Application

1. Mole Valley District Council received an application from Mr Joe Miles (**Applicant**) for a premises licence for rearfield of Vann Farm, Vann Farm Road, Ockley, Surrey (**Application**).
2. As relevant representations in respect of the Application were submitted, a hearing was arranged to take place on 22nd May 2017 at 10.00am in the Council's Chamber to enable the Council's Licensing Sub-Committee; comprising of Councillor Charles Yarwood, Councillor Metin Huseyin and Councillor Paul Elderton to determine the Application. The hearing was chaired by Councillor Metin Huseyin.

Attendance and Participation

3. The hearing was attended by:

Licensing Officer	Charlene Ellis	Mole Valley District Council
On behalf of the Applicant	Joe Miles	Applicant
On behalf of Other Persons	Mr Peter Edwards	Local Resident
	Laurence Woolford	Local Resident
	Jacqueline Spall	Local Resident
	Robert Sawdon	Local Resident
On behalf of the Responsible Authorities	Rob Ivens	Environmental Health department Mole Valley District Council

4. The sub-committee were satisfied that notice of the hearing was served on all relevant parties, and that all those entitled to speak at the hearing had an opportunity to do so.

Summary of Discussion

Applicant

5. The Applicant explained that he is applying for a premises licence in respect of a festival that he is hoping to run annually. He explained that this year will be the 3rd event he has run and that profits made would be for the benefit of two local charities.

6. Some of the representations received suggested that when the event was previously held in 2015, music could be heard until 01:00 hours. In addressing this, Mr Miles said that the music stopped at 23:00 hours as required to do so under Temporary Event Notice (TEN) given for that event.
7. Mr Miles explained that in his application he had made provision for SIA registered security staff to be on site throughout the duration of the event in order to prevent crime and disorder.
8. When questioned by the Sub-Committee regarding the number of ticket sales, the Applicant confirmed that the numbers have been capped at 1500 across the full duration of the 3 day event. He explained that ticket sales are available for advance purchase and would also be available for purchase on the event days. The number of tickets available on the event days will be capped depending on the number of advance tickets that have been already been sold, ensuring the total ticket sales do not exceed 1500.
9. The Sub-Committee asked the Applicant to clarify the hours of the licensable activities he was applying for on the Saturday. The Applicant confirmed that he was applying for the following times on Saturday:
 - a. Live Music: 12:00 – 23:00 hrs
 - b. Supply of Alcohol: 12:00 – 23:30 hrs
10. The Applicant explained that the end time for the live music and supply of alcohol was staggered at different times in order to assist the dispersing of the crowd at the end of the event.
11. The Sub-Committee then asked what security arrangements, if any, were going to be put in place for the over night camping which is also going to be available at the event. The Applicant explained that there would be stewards to oversee the night time camping arrangements.
12. The Applicant confirmed that there would be two stages: the main stage where there would be live amplified music and the second stage would be an acoustic stage which will be set up by the bar and will be used when the acts on the main stage are changing sets.
13. In closing remarks the Applicant explained that the marketing for the event is aimed at families and he has included many local businesses to take part and provide services on the day. The Applicant stated that he would be happy to comply with any proposed conditions put forward by the committee.

Responsible Authorities

14. Mr Ivens elaborated on his written representation on behalf of the Environmental Health department at Mole Valley District Council. He explained that the Applicant has not provided, in enough detail, any technical information as to how noise will be monitored or controlled. Without these controls there is a risk that local residents may be exposed to an unacceptable level of noise which could amount to a public nuisance. Mr Ivens added that to date the information that the Applicant has provided has been inadequate and of poor quality.
15. Mr Ivens added that the issues he has identified could be overcome with an appropriately worded condition to provide a noise management plan which is to be approved by the Councils' Environmental Health department. Mr Ivens explained that he has amended the condition that he has put forward in his written representation, he recommended the condition should be as follows:

A scheme of noise assessment and mitigation shall be submitted to and approved in writing by the Councils Environmental Health department. The

scheme shall be written by a suitably qualified person and shall determine a boundary noise level that will ensure that the music noise level will not exceed 65dba over a 15 minute period, 1m from the façade of the nearest adversely effected noise sensitive premises. The scheme shall also ensure provision of a suitably qualified person and a type 2 noise meter to automatically record and report relevant noise monitoring data as agreed in the scheme over the duration of the festival.

16. The Applicant confirmed that he has recently found an acoustic management expert which will hopefully satisfy the Environmental Health department's concerns.
17. On questioning by the Other Persons, Mr Ivens confirmed that the type 2 noise meter would be sufficient to pick up noise, this would be capable of monitoring the noise adequately in order to establish if the noise level is acceptable. Mr Ivens added that a well organised event would have an Event Management Plan which would cover other aspects in addition to noise such as traffic management, stewarding and risk assessments.
18. With regard to representations that have been made about vehicular access to the site, Mr Ives added that the police have been to visit the site and had made no representation.
19. In closing remarks Mr Ivens said that the Applicant had not engaged with his recommendations but felt that the risk of public nuisance could be overcome with a condition.

Other Parties

17. Mr Peter Edwards explained that he has lived on Friday Street in Ockley for 34 years. He explained that Friday Street is a single track road with very few stopping spaces and no public footpath so pedestrians walk in the road. He also explained that the junction of where Friday Street meets the A29 has poor visibility. Mr Edwards said that there would be limited access in an emergency and was surprised that no representations had been made by any of the emergency services.
18. Mr Edwards said that there had been no consultation with the local residents regarding the event and that he had found out about this year's event by a poster at the Village Hall. Mr Edwards said that when the event was last held in 2015 he recalls music being played past midnight and again on the Sunday. He therefore asked the committee to reject the application on the basis of public safety due to the concerns over access to the site and public nuisance.
16. The Sub- Committee then heard from Mr Laurence Woolford. He explained he was only given 24 hours notice for the event held in 2015 and the music could be heard from the other side of the village. Mr Woolford added that he remembers hearing noise until 01:00 hours in the morning and had people urinating in his garden and causing damage to his property. Mr Woolford stated that he did ring 111 but was advised that this was not a matter the police could deal with and they suggested keeping a log and passing this on to the local Environmental Health department which he claimed he did.
17. Mr Woolford said that one of the pedestrian access/ exits routes to the sites was into woodland with a stream. He also added the damage caused to his verge after the event in 2015 was not repaired.
18. In addressing the concerns from the Other Persons, the Applicant confirmed that he has changed the direction of the stage so it is not facing residential

properties. He also confirmed arrangements for the parking of cars in a separate field and stating that there will be stewards to assist with traffic management. The Applicant apologised for not liaising with local neighbours for past events and confirmed that profits raised by the event will be going to the Royal Marsden charity and the Ockley parish.

19. The Sub-Committee asked the Other Persons what could be done to overcome their concerns. Mr Edwards and Mr Woolford confirmed that they would want the event to be well managed, for there to be restrictions on the music and for the Applicant to properly engage in the planning of the event with local residents.
20. The Other Persons summarised their concerns that this event will cause disturbance to their homes. They recognised that the event could benefit the local community but that the Applicant needs to communicate with them more.

Decision

21. Having considered the written and oral representations made by the Responsible Authority, Other Persons and the Applicant, the Licensing Sub-Committee has decided that the licensing objectives, and in particular the prevention of public nuisance and public safety are best promoted by granting the application subject to the conditions previously offered by the Applicant together with the following additional conditions which were considered appropriate:
 - a. A scheme of noise assessment and mitigation shall be submitted to and approved in writing by the Council's Environmental Health department. The scheme shall be written by a suitably qualified person and shall determine a boundary noise level that will ensure that the music noise level will not exceed 65dba over a 15 minute period 1m from the façade of the nearest adversely effected noise sensitive premises. The scheme shall also ensure provision of a suitably qualified person and a type 2 noise meter to automatically record and report relevant noise monitoring data in an agreed scheme over the duration of the festival.
 - b. The holder of the premises licence, or an agent on behalf of and under the authority of the licence holder, shall produce an event safety and operational plan (hereinafter referred to as 'ESOP').
 - c. The ESOP shall, amongst other matters, address the methods by which the licence holder proposes to manage the following matters in accordance with the licensing objectives:
 - crowd safety
 - risk assessment
 - procedures in the event of emergency
 - regulation of the number of persons on the event site, ticket sales and conditions of entry
 - traffic management
 - d. The ESOP shall be revised on an annual basis. A draft version of that document shall be circulated to all responsible authorities, and to the Licensing Authority not later than 120 days before the start of event.
 - e. Following the circulation of the draft ESOP, the licence holder, or an agent on

behalf of and under the authority of the licence holder, shall consult with all responsible authorities and shall take due account of any representation made by a responsible authority regarding the content of the document including attending at reasonable notice a safety advisory group meeting if the Licensing Authority requires one to be convened.

- f. The ESOP shall be finalised to the satisfaction of the Licensing Authority not later than 28 days before the start of the event and shall be circulated in final form to all responsible authorities and to the Licensing Authority.
 - g. The licence holder shall comply with the terms of the ESOP at all times
 - h. At least 7 days prior to licensable activities involving music, such activities shall be notified to local residents via written notice which shall include a contact name and telephone number via which complaints about noise can be made on the day of the event. During operating hours, the licensee or nominated representative shall be available to receive and respond to nuisance related complaints. A log of complaints shall be kept and any corrective action recorded and the log shall be provided to the Licensing Authority within 3 working days of the end of the event.
22. The Sub-Committee imposed the conditions as they felt that these would mitigate the concerns over public safety and public nuisance. The Sub-Committee particularly noted the concerns of the local residents regarding the Applicant's lack of communication with the local community and the Local Authority. The Sub-Committee hoped that the conditions imposed would ensure that there is a better working framework between the Applicant, local residents and the Local Authority.
23. The Sub-Committee recognised the fact that an event of this nature may cause a degree of sound inconvenience to residents but it is hoped the conditions imposed would assist in mitigating this. The Sub-Committee recognised the difficulty the Applicant would have in meeting all the licence conditions for an event held in the first year but nevertheless expected a high level of compliance from the Applicant.
24. In making the decision the Sub-Committee was cognisant of the need to uphold the fundamental licensing objectives of public safety and prevention of public nuisance in accordance with the Secretary of State's guidance issued under section 182 of the Licensing Act 2003

Rights of Appeal

25. There is a right to appeal to the Magistrates Court within 21 days of receiving this written decision notice.