

At a meeting of the Licensing Panel held in Leader's Office, Allerdale House, Workington on Monday 21 May 2018 at 3.30 pm

Members

Councillor Christine Smith (Chair)
Councillor Tony Annison

Councillor Jacqueline Mounsey

Staff Present

D Devine, D Fletcher, J Morgan and R Wilkinson

30. Election of Chair

Councillor C Smith was elected Chair for the ensuing meeting.

31. Declaration of Interests

None declared.

32. Questions

None received.

33. Standard Temporary Event Notice – Objection Notice

The Licensing and Compliance Officer submitted a report for the Licensing Panel to consider an objection notice which had been received in relation to a Temporary Event Notice (TEN). The person giving the TEN (the “premises user”) was Peter Mark Gilmour of 3 Meadow Vale, Seaton. The area covered by the TEN application already benefitted from a premises licence. The licence reference was PL0600 and was known as Rivendell (Nuts in May site), Stainburn Road, Workington.

The premises description was given as “. . . a marquee and alternative stage venue with access to toilet facilities and other essentials that make it suitable for the prescribed event”.

The nature of the event had been given as “. . . a two day music and performing arts event that is a showcase for Cumbrian talent. The event will offer limited camping facility”.

The premises user intended to carry out the following licensable activities at the premises:

- The sale by retail of alcohol
- The provision of regulated entertainment
- The provision of late night refreshment

The event was to be held on the following dates and times:

- Friday 25 May 2018 – 18.00 to 00.30
- Saturday 26 May 2018 – 12.30 to 00.00

Section 106A of the Licensing Act 2003 permitted licensing authorities to impose one or more conditions on a standard TEN if appropriate. Cumbria Constabulary and Environmental Health (“relevant persons” for the purpose of a TEN) were served a copy of the TEN in line with the requirements of the Act. The relevant persons had given objection notices to the TEN in response, as follows:

Environmental Health:

“Allerdale Environmental Health is objecting to the above TEN application for 25th-26th May as it is believed granting the licence would undermine the licensing objectives.

The adoption of the following conditions from the existing premises licence would satisfy concerns to facilitate this year’s event:

- Where regulated entertainment is provided by way of an in house PA system, management shall control such equipment to ensure nuisance is not caused.
- The licence holder or representative shall conduct regular assessments (hourly) of the noise coming from the festival site and shall take steps to reduce the level of noise where it is likely to cause a disturbance to local residents.
- A written record shall be made of those assessments in a log book kept for that purpose and shall include the time and date of the checks, the person making them and the results including any remedial action. Three monitoring locations will be used and these are shown on the attached plan and they are:
 - (a) Near Tarn, Stainburn Road, Stainburn, Workington, CA14 1SZ
 - (b) Stainburn Hall Cottage, Stainburn Road, Stainburn, Workington, CA14 1SY
 - (c) Land next to 57 Riverside, Great Clifton, CA14 1TF
- A copy of these logs should be maintained and submitted to Environmental Health within seven days of the event.
- There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public (or members and their guests) notices pointing out the needs of local residents and the need to leave the premises and the area quietly (note: this may also include reference to vehicles).”

Cumbria Constabulary:

“Police wish to object to the application in order for some conditions on the Premises Licence for Rivendell to be added . . .”

Cumbria Constabulary included a list of preferred conditions consistent with the operating schedule of the Rivendell (Nuts in May) Premises Licence as follows, proposing that this amended list replace the original operating schedule:

1. The Festival will be run by a strong, experienced team who will communicate and work together to ensure the welfare and safety of everyone attending Nuts in May.
2. Festival crew, staff and stewards will be briefed prior to the event on festival safety procedures and policies.
3. We will have a rota of duty managers – experienced people who have a working knowledge of the festival and its procedures.
4. ~~SIA trained security.~~
5. Challenge 25 policy.
6. Drug and alcohol policy.
7. Campsite controls at night.
8. Steward/security hotline.
9. Radio Communication (with dedicated channels).
10. Public information leaflet on entry to the site.
11. Campsite illumination.
12. Secure Campsite.
13. Full site risk assessment, including fire/electrocution and emergency procedures (no camp fires – except communal fire pit).
14. Traffic Management Plan.
15. Full site access for emergency vehicles and emergency vehicle rendezvous point.
16. ~~Livestock will be removed from the camping fields at least 4 weeks prior to the event.~~
17. Cars parked separately from tents on flat ground.
18. Site illumination and emergency exit signs (illuminated).

19. ~~Rubber matter to prevent falls and assist vehicular movement.~~
20. Unsafe areas to be fenced off to prevent access.
21. Fire points and extinguishers around the site.
22. Hard pathways.
23. No camping under pylons.
24. Kite flying and Chinese lanterns.
25. SIA security and stewards.
26. ~~Medical staff and information on festival welfare (NHS advice).~~
27. Information tent.
28. Health, hygiene and fire safety certification from traders where applicable.
29. Well serviced, adequate and suitable toilets including disabled toilets.
30. Hard pathways for disabled people.
31. Clean, portable drinking water.
32. Tree integrity checks.
33. ~~Stage integrity checks.~~
34. Professional stewards at campsite exist (Gate D).
35. ~~Night time shuttle bus to Stainburn and Great Clifton.~~
36. ~~Campsite showers.~~
37. Noise control measures (compliance with the Noise Council Code of Practice).
38. Peaceful camping.
39. Community Liaison Officer (contact phone number has been delivered to everyone in Stainburn and Great Clifton).
40. Control of alcohol on festival site.
41. ~~Wierdigans late night acoustic session tent and communal fire pit.~~
42. Child Protection Policy.
43. ~~Dedicated children's arena with larger toilets for parental assistance.~~

44. Under 16's must be accompanied by adults.

The Licensing and Compliance Officer set out the following options available to the Licensing Panel:

- a) To allow the licensable activities to go ahead as stated in the TEN;
- b) To impose upon the TEN conditions attached to the premises licence, in accordance with the provisions of section 106A of the Licensing Act 2003; or
- c) To issue a counter notice under the provisions of section 105(2)(b) of the Act to prohibit the event taking place, together with a notice stating the reasons for the decision.

The meeting was closed to members of the public while the Licensing Panel considered the objection notices. The Licensing and Compliance Officer also left the meeting.

Councillor T Annison moved that the conditions contained in the Rivendell (Nuts in May) Premises Licence be imposed upon the Temporary Event Notice, in accordance with the provisions of section 106A of the Licensing Act 2003, with the following amendments:

- The 'Conditions Consistent with Operating Schedule' be amended as follows, removing points 4, 16, 19, 26, 33, 35, 36, 41 and 43 as proposed by Cumbria Constabulary:
 1. The Festival will be run by a strong, experienced team who will communicate and work together to ensure the welfare and safety of everyone attending Nuts in May.
 2. Festival crew, staff and stewards will be briefed prior to the event on festival safety procedures and policies.
 3. We will have a rota of duty managers – experienced people who have a working knowledge of the festival and its procedures.
 4. ~~SIA trained security.~~
 5. Challenge 25 policy.
 6. Drug and alcohol policy.
 7. Campsite controls at night.
 8. Steward/security hotline.
 9. Radio Communication (with dedicated channels).
 10. Public information leaflet on entry to the site.
 11. Campsite illumination.

12. Secure Campsite.
13. Full site risk assessment, including fire/electrocution and emergency procedures (no camp fires – except communal fire pit).
14. Traffic Management Plan.
15. Full site access for emergency vehicles and emergency vehicle rendezvous point.
- ~~16. Livestock will be removed from the camping fields at least 4 weeks prior to the event.~~
17. Cars parked separately from tents on flat ground.
18. Site illumination and emergency exit signs (illuminated).
- ~~19. Rubber matting to prevent falls and assist vehicular movement.~~
20. Unsafe areas to be fenced off to prevent access.
21. Fire points and extinguishers around the site.
22. Hard pathways.
23. No camping under pylons.
24. Kite flying and Chinese lanterns.
25. SIA security and stewards.
- ~~26. Medical staff and information on festival welfare (NHS advice).~~
27. Information tent.
28. Health, hygiene and fire safety certification from traders where applicable.
29. Well serviced, adequate and suitable toilets including disabled toilets.
30. Hard pathways for disabled people.
31. Clean, portable drinking water.
32. Tree integrity checks.
- ~~33. Stage integrity checks.~~
34. Professional stewards at campsite exist (Gate D).
- ~~35. Night time shuttle bus to Stainburn and Great Clifton.~~

~~36. Campsite showers.~~

37. Noise control measures (compliance with the Noise Council Code of Practice).

38. Peaceful camping.

39. Community Liaison Officer (contact phone number has been delivered to everyone in Stainburn and Great Clifton).

40. Control of alcohol on festival site.

~~41. Wierdigans late night acoustic session tent and communal fire pit.~~

42. Child Protection Policy.

~~43. Dedicated children's arena with larger toilets for parental assistance.~~

44. Under 16's must be accompanied by adults.

- Point 24 of the 'Conditions Consistent with Operating Schedule' be clarified to state that kite flying and Chinese lanterns not be permitted.
- Replacement of the 'Conditions imposed by Environmental Health' with those proposed in the objection notice as follows:
 - Where regulated entertainment is provided by way of an in house PA system, management shall control such equipment to ensure nuisance is not caused.
 - The licence holder or representative shall conduct regular assessments (hourly) of the noise coming from the festival site and shall take steps to reduce the level of noise where it is likely to cause a disturbance to local residents.
 - A written record shall be made of those assessments in a log book kept for that purpose and shall include the time and date of the checks, the person making them and the results including any remedial action. Three monitoring locations will be used and these are shown on the attached plan and they are:
 - (a) Near Tarn, Stainburn Road, Stainburn, Workington, CA14 1SZ
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 - (c) Land next to 57 Riverside, Great Clifton, CA14 1TF
 - A copy of these logs should be maintained and submitted to Environmental Health within seven days of the event.

- There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public (or members and their guests) notices pointing out the needs of local residents and the need to leave the premises and the area quietly (note: this may also include reference to vehicles).

Councillor J Mounsey seconded the motion.

A vote was taken on the motion. The vote in favour of imposing the conditions upon the Temporary Event Notice was unanimous. The motion was carried.

The meeting was made open to members of the public while the Licensing Panel announced its decision. The Licensing and Compliance Officer returned to the meeting.

The Licensing Panel made it known that where the Authority decided not to give a counter-notice under section 105(3) of the Licensing Act 2003, a “relevant person” as specified in section 99A of the Act could appeal against that decision. An appeal had to be made to the magistrates’ court. However, no appeal could be brought later than five working days before the day on which the event period specified in the Temporary Event Notice began.

Decision

That the conditions contained in the Rivendell (Nuts in May) Premises Licence be imposed upon the Temporary Event Notice, in accordance with the provisions of section 106A of the Licensing Act 2003, subject to amendments.

Reasons for the Decision

In making its decision, the Licensing Panel had regard and gave appropriate weight to the following considerations:

- The objections and supporting information presented by all parties.
- Guidance issued under section 182 of the Licensing Act 2003.
- The Council’s Statement of Licensing Policy.
- The steps necessary to promote the licensing objectives.

Resolved

That the conditions contained in the Rivendell (Nuts in May) Premises Licence be imposed upon the Temporary Event Notice, in accordance with the provisions of section 106A of the Licensing Act 2003, with the following amendments:

- The ‘Conditions Consistent with Operating Schedule’ be amended as follows, removing points 4, 16, 19, 26, 33, 35, 36, 41 and 43 as proposed by Cumbria Constabulary:
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The meeting closed at 4.10 pm