

LICENSING AND REGULATION COMMITTEE

25 May 2004

APPLICATION FOR AN OCCASIONAL PUBLIC ENTERTAINMENT LICENCE FOR AN OPEN AIR MUSICAL FESTIVAL ON PRIVATE LAND AT LITTLE TAPNAGE FARM, TITCHFIELD LANE, WICKHAM.

REPORT OF CITY SECRETARY & SOLICITOR

Contact Officers: Fred Masters / John Myall Tel No: 01962 848443

RECENT REFERENCES:

None.

EXECUTIVE SUMMARY:

This report concerns an application for an entertainment licence for a music event proposed to be held on land at Little Tapnage Farm, Titchfield Lane, Wickham. The application is for the event to take place from 3pm on Saturday 10 July 2004 to 1am Sunday 11 July 2004.

The event to be known as "BIGTOP! 2004" is proposed to be similar to an event held at the same site in August 2003. Entertainment will be provided in a large marquee with an outside stage. This application is for a maximum capacity of 1538 persons. During the event in 2003, which ended at 12.30am, a number of residents made complaints of noise nuisance.

The Director of Health and Housing has been consulted and should a licence be granted, recommends that certain conditions should be attached to the licence to include water supply, noise levels (including the siting of speakers etc), toilets, electrical safety, the use of lasers, emergency lighting, safety of structures and the provision of first aid.

The Police have been consulted and have been in contact with the applicants to agree the number of police officers recommended to cover this event. Such cover will need to include a traffic management element. At the date of the preparation of this report no such agreement has been reached. (Recommendation 2(1)).

The Parish Councils of Wickham, Shedfield and Whiteley have been consulted. The Parish Council of Wickham has responded and objects strongly to the proposals as there was unacceptable noise from a similar event in 2003. (Appendix 3)

A Notice of this event has been posted at the site and a letter circulated by the applicants to 400 addresses in Knowle, Fontley and Titchfield Lane areas. In consequence 19 letters of objection have been received (included 15 similar letters from different addresses). (Appendices 1A-1E).

RECOMMENDATIONS:

- 1 That, having due regard to the representations of the Parish of Wickham Council, the Police, Director of Health and Housing and the residents that consideration be given whether this licence should be granted or refused.
- 2 That, should it be decided that a licence may be granted, the City Secretary & Solicitor be given authority to grant the application for a music festival on land at Little Tapnage Farm, Titchfield Lane, Wickham on Saturday 10 July 2004 subject to the standard conditions of the Council and the following additional conditions:
 - (1) The event shall not take place until the Licensee shall not less than 14 days prior to the event have agreed in writing with the City Secretary and Solicitor of the Council arrangements for such number of Police Officers to be present during the period of the event as the Council (after consultation with the Police) considers necessary for securing the safety of persons present on the site and for securing adequate access for emergency vehicles. The Licensee shall ensure that the agreed number of Officers are so provided during the event.
 - (2) The hours during which the premises may be used for the purposes of this Licence shall be –

from 3pm on Saturday 10 July 2004 until 12.30am on Sunday 11 July 2004.
 - (3) The maximum number of persons permitted to be admitted to the premises whilst in use for the purposes of this licence shall not exceed 1500.
 - (4) Noise levels from the event shall not exceed the following :
 - (i) Between the hours of 3pm and 11pm noise levels from the event shall not exceed 55dB $L_{Aeq (5mins)}$ and between the hours of 11pm and 12.30am on the following day, noise levels shall not exceed 45dB $L_{Aeq (5mins)}$ as measured at a distance of 1m from the façade of any noise sensitive dwellings.
 - (ii) In addition in the frequency range of 63 and 125 Hz noise levels shall not exceed 65dB (L) as measured at 1m from the facade of any noise sensitive dwelling.

Unrestricted access to the sound mixing position and backstage area of the stage shall be allowed at all times to the Licensing Authority for the purpose of sound level measurements and communication with the mixing engineer.

A plan showing the layout and direction of all stage loudspeakers and mixing desks shall be submitted to the Authority at least 21 days prior to the event. The plan should include a schedule of amplification equipment to be provided on site including any equipment associated with sponsor activities or trade stands.
- (5) All site electrical installations and generators shall be installed and checked by a competent electrician. Electrical circuits should be suitably protected with earth leakage detection systems or earth spikes as appropriate.
- (6) A lighting plan, including details of general and emergency lighting shall be provided to and agreed with the Licensing Authority 14 days before the event.
- (7) An adequate and wholesome supply of drinking water shall be provided throughout the event. 'Wholesome' shall mean the standard required to meet the Water Supply (Water Quality) Regulations 1989 (as amended) relating to the quality of water intended for human consumption.

- (8) The minimum level of sanitary accommodation to be provided is 8 female wc's, 2 male wc's and 5 urinals. Sufficient handwashing facilities should be provided and regular inspections carried out to ensure that the wc's remain in a clean state throughout the event.
 - (9) Lasers shall not be used unless a risk assessment has been completed to the satisfaction of the Director of Health and Housing at Winchester City Council for the use and operation of lasers. The assessment shall include the technical information to comply with HS(G) 95 'The Radiation Safety of Lasers used for Display Purposes'.
 - (10) Warning notices of the use of strobe lights or lasers shall be conspicuously displayed at the entrance to the Event and at the Marquee.
 - (11) An adequate number of persons suitably qualified in first aid shall be provided.
 - (12) The compliance with the requirements, where applicable, of Hampshire Fire and Rescue Service in the attached 'Guidance for Outside Events and Tented Structures'
- 3 The Licensee shall give an undertaking to implement the matters set out in the document named "BIGTOP! 2004", 10 July 2004" at Little Tapnage Farm, Titchfield Lane, Wickham – Event Details.

LICENSING AND REGULATION COMMITTEE

25 May 2004

APPLICATION FOR AN OCCASIONAL PUBLIC ENTERTAINMENT LICENCE FOR AN OPEN AIR MUSICAL FESTIVAL ON PRIVATE LAND AT LITTLE TAPNAGE FARM, TITCHFIELD LANE, WICKHAM.

Report of City Secretary & Solicitor

DETAIL:

1 Introduction

- 1.1 This report concerns an application for a licence under Section 1 and Schedule 1 of the Local Government (Miscellaneous Provisions) Act 1982 for an open air musical entertainment to be held on private land at Little Tapnage Farm, Titchfield Lane, Wickham. It is proposed that the event will be for 1538 persons and be known as "BIGTOP! 2004". The applicant is Tim Armstrong on behalf of a company called Sound Proj-x.
- 1.2 Later parts of this Report give further details of the application and the results of consultation with the Police, Fire, the Director of Health and Housing, the Chief Building Control Surveyor, parish councils and the public.

2 The Application

- 2.1 An application for an entertainment licence has been made by Mr Tim Armstrong on 1 April 2004 for an outside musical event at Little Tapnage Farm, Titchfield Lane, Wickham. It is for an event to be continuous from 3pm on Saturday 10 July 2004 until 1am on Sunday 11 July 2004. The application indicates that the licensed attendance would not exceed 1538 persons. A copy of the application is attached as Appendix 1A. Detailed additional information has been supplied by the applicant under the heading "*BIGTOP!2004" 10th July 2004 at Little Tapnage Farm, Titchfield Lane, Wickham Event Details*". A copy of this will be available at the Committee meeting.
- 2.2 Copies of the application have been sent to the Police, Fire, the Director of Health and Housing and the Chief Building Control Surveyor. Responses are set out below.
- 2.3 The parishes of Wickham, Shedfield and Whiteley have been consulted and the responses are set out below.
- 2.4 Notice was posted at the site from 1 April 2004 and the applicant has circulated 400 residential properties in Knowle, Fontley and Titchfield Lane areas. (Copy letter – Appendix 1B). In consequence 19 letters objecting to this event have been received. A summary is set out below and the letters are included as Appendices 2A-F.

3 Responses to Consultation and Representations from the Parishes and the Public

- 3.1 The Police will not object to the application providing an agreement with the applicant on the number of police officers to be available for this event has been arranged before the event including the supervision of the traffic management plan.
- 3.2 Hampshire Fire and Rescue Service have responded and do not object to this event providing access 3.7metres width and height is maintained at all times for emergency vehicles. Access to the site to be controlled by a pre-arranged plan in the event of any emergency. Compliance with the Fire Service document 'Guidance for Outside Events and Tented Structures' is also recommended.

- 3.3 The Director of Health and Housing has responded and recommends that should the licence be granted it should include conditions relating to water supply, noise levels (including the siting of speakers etc), toilets, electrical safety, the use of lasers, emergency lighting, safety of structures and the provision of first aid. The recommended condition relating to noise is set out below:-

“Noise levels from the event shall not exceed the following :

Between the hours of 3pm and 11pm noise levels from the event shall not exceed 55dB $L_{Aeq (5mins)}$ and between the hours of 11pm and 12.30am on the following day, noise levels shall not exceed 45dB $L_{Aeq (5mins)}$ as measured at a distance of 1m from the façade of any noise sensitive dwellings.

In addition in the frequency range of 63 and 125 Hz noise levels shall not exceed 65dB (L) as measured at 1m from the facade of any noise sensitive dwelling.

Unrestricted access to the sound mixing position and backstage area of the stage shall be allowed at all times to the Licensing Authority for the purpose of sound level measurements and communication with the mixing engineer.

A plan showing the layout and direction of all stage loudspeakers and mixing desks shall be submitted to the Authority at least 21 days prior to the event. The plan should include a schedule of amplification equipment to be provided on site including any equipment associated with sponsor activities or trade stands.”

- 3.4 The Chief Building Control Surveyor have been consulted and has requested full structural information for temporary structures and would require to make site inspections no later than the Friday before the event.
- 3.5 The Parish of Wickham Council has responded to the consultation. The Parish Council on behalf of the residents of Knowle objects strongly to the proposals, the noise from a similar event last year was unacceptable. Knowle residents have a covenant within their deeds to cease all noisy activities by 10.30pm and would like the same condition applied to this event. (Appendix 3).
- 3.6 In response to the Notice displayed at the site and the letter to residents supplied by the applicants 19 letters making representations have been received. The letters are mainly concerned regarding the likely noise nuisance from the proposed event, having regard to a similar event in August 2003 and the covenant for Knowle residents requiring them to cease all noisy activities at 10.30pm. 4 letters are attached as Appendices 2A –2D and a specimen of 15 similar letters from separate residents is shown as Appendix 2E.

4 Issues for Consideration.

- 4.1 **Is the applicant a suitable person to hold an entertainment licence?** It is considered that Mr Tim Armstrong is suitable to whom an occasional public entertainment licence could be granted. There is nothing known to his detriment.
- 4.2 **Is this site suitable to be used for public entertainment, given the location, and considering public safety, noise, proximity to residential property and other relevant issues?** A number of residents and the Parish of Wickham Council have

concerns regarding the potential for noise nuisance from this site particularly for the residents of Knowle Village where the residents are required to comply with a covenant requiring all noisy activities to cease by 10.30pm. It may be considered that the licence could be granted providing there is compliance with the recommended conditions giving particular regard to the noise level condition set out as Condition (4) of the Recommendation to this report. Other conditions in the recommendation would secure the safety of site. Although a capacity of 1538 is sought the capacity should be set at no more than 1500.

- 4.3 **Are the hours of entertainment being sought acceptable? If the hours are not acceptable, should the application be refused or should alternative hours be specified?** Having regard to the consideration at 4.2 above it is considered that should the licence be granted it may be considered that an end time of 12.30am may be more appropriate than 1am as requested.
- 4.4 **If granted would this Licence have any effect on Crime and Disorder in the area?** Providing the applicant agrees in writing with the City Secretary and Solicitor of the arrangements for such number of Police Officers to be present during the period of the event, after consultation with the Police, considers necessary for securing the safety of persons present on the site and for securing adequate access for emergency vehicles there should not be a significant effect on Crime and Disorder in the area.
- 4.5 **Are there any human rights issues which are relevant to the decision?** It is considered that Articles 6 (right to a fair trial) 8 (right to respect for private and family life) and Article 1 of the First Protocol (right to peaceable enjoyment of possessions) may be relevant. As there is a right of appeal to the Magistrates' Court, it is considered that there would be no infringement of Article 6. Article 8 is relevant, insofar as the nearby residents could claim that this right would be infringed by disturbance from customers. This should be balanced against the applicants' right to use of their premises under Article 1 of the First Protocol. Interference with these rights is permitted, where this interference is lawful, necessary in a democratic society, and proportionate. Likewise, the residents may argue that their rights under Article 1 of the First Protocol would be infringed. If the recommended conditions are imposed, there should be no interference with any convention rights. To the extent that any interference may occur, it would be justifiable in a democratic society, and proportionate.

OTHER CONSIDERATIONS:

CORPORATE STRATEGY (RELEVANCE TO):

The licensing function affects the objectives of promotion of a thriving local economy, and promoting a healthier, safer and more caring community.

RESOURCE IMPLICATIONS:

None.

BACKGROUND DOCUMENTS:

Application included as Appendix 1A to this Report and Supplementary Information.

APPENDICES:

1.A Copy of Application.

1.B Copy of a Letter Circulated to Residents by the Applicant.

- 2.A-D Letters Making Representations from Residents (4)
- 2.E Specimen Letter of 15 Similar Letters from Residents.
- 3 Parish of Wickham Council Submission.
- 4.A Plan of Little Tapnage Farm Showing Traffic Management Proposals.
- 4.B. Plan of Little Tapnage Farm Showing Lighting Plan Diagram.
- 4.C Map Showing Location of Little Tapnage Farm, Titchfield Lane, Wickham.

LR 104