

Saturday, 31 August 2019 at The Field, High Ongar Road, High Ongar, Essex CM5 9LZ.

(i) The application, which was received on the 2 April 2019, was for the following licensing activities:

The Sale by Retail of Alcohol on the Premises only

Saturday 12.00 – 22.30

The Provision of Recorded Music

Saturday 12.00 – 23.00

Opening Times of the premises

Saturday 12.00 – 23.00

(ii) Consultation

The Responsible Authorities had all received a copy of the application, it was also advertised at the premises and in a local newspaper.

All residences and businesses within 150 meters radius of the premises were individually consulted.

The authority had received 9 representations, 1 from High Ongar Parish Council, 1 petition signed by 17 residents, and 7 from individual local residents.

There was also a response from Essex Police who having agreed conditions with the applicant made no representation, the conditions to be attached to the licence should it be granted.

The Objections relate to the Prevention of Crime and disorder, Prevention of Public Nuisance, and Public Safety and The Protection of Children from Harm.

(b) Presentation of the Applicant's Case

The Applicant's Mr S Cottrell and Mr S Poelman advised that in 2018 they organised a smaller event which went very well although it did not please all of the local residents but some of the younger residents attended and thought the event was very good.

This year, due to the popularity of the event last year, they had decided to organise a bigger event and had taken professional advice to ensure the event was properly organised.

(c) Questions for the Applicant from the Sub-Committee

The Sub-Committee asked how many attended the event in 2018.

Mr S Cottrell advised that 350 people attended the event in 2018.

The Sub-Committee asked why the event had been increased to hold 1300.

Mr S Cottrell advised that although they had stipulated 1300 they only expected 700-800 to attend.

The Sub-Committee asked how the entrance tickets would be distributed, would they be sold before or on the day.

Mr S Cottrell stated that they would be sold prior to the event on the internet and sold on the day at the event.

The Sub-Committee asked if they were selling event tickets online how could you monitor the age of the online ticket holders.

Mr S Poelman stated that checks would be made at the gate on the day and they would operate a Challenge 25 policy. If someone turned up with a ticket and did not have any ID they would be turned away.

The Sub-Committee asked how many staff would be employed on the day.

Mr S Cottrell advised that there would be 18 door and security staff, 6 of which were registered, and a further 20 bar staff.

The Sub-Committee asked how many emergency exits were there and how would they be staffed and if an incident were to happen how would you account for everyone at the festival.

Mr Cottrell replied that there were two emergency exits which would be clearly signed and staffed and the security would be in charge of evacuating the site and making sure it was cleared. There were 2 access points and in case of an emergency the fire safety person and security would liaise with each other.

The Sub-Committee asked how would the applicants ensure that no one could just walk in.

Mr Cottrell replied that there was double fencing all the way around the site.

The Sub-Committee asked if there was an evacuation and it was dark was there any emergency lighting.

Mr Cottrell replied that there were floodlights in the car park and both of the emergency exits would be lit up.

The Sub-Committee asked whether there would be a shuttle service and taxis arranged.

The Applicants replied that they had spoken with local taxi companies and would arrange a dedicated taxi drop off and pick up point.

The Sub-Committee asked how would the traffic be managed coming into and leaving the site and would cars be able to park on the highway.

Mr Poelman advised that they have employed a traffic management company who will direct the traffic into and leaving the event. There would also be cones and stewards patrolling the highway outside of the event and directing people onto the site to park.

The Sub-Committee asked could persons going to the event park in the car park without showing tickets.

The Applicants replied that they could park in the car park but they would have to either show their tickets at the entrance to the event or they could pay on the door.

The Sub-Committee asked about the provision of toilets and how many would be provided.

The Applicants advised that there would be 11 portaloos, 4 urinals and disabled access toilets.

(d) Questions for the Applicant from the Objectors

Mr P Taylor expressed concern over the disruption to the site and how long would the set up and take down last for.

Mr S Cottrell replied that they would start setting up a week before and take down for up to a week after but there would not be constant disruption.

Mr Bonney asked about the pedestrians walking past the houses and if they would be able to go anyway when leaving the event.

Mr Cottrell stated that they would be promoting the taxi service provided and the Security will stay on for an hour after the event had closed to ensure all festival goers had left the area in a quiet and orderly manner.

Mr R Gaylord stated that this was a dead end road and asked if one of the residents required emergency assistance how would an ambulance or fire engine get through.

Mr Cottrell replied if it was a blue line emergency then everyone would move out of the way. St John's ambulance would be at the festival all day to provide assistance.

The Objectors expressed concerns over the festival being licensed for 1300 people with only 18 stewards to look after all of these people and that people pay road tax and would park wherever they liked.

Mr Cottrell stated that although the event was licensed for 1300 they would only expect 700-800 to attend and the stewards would direct the traffic onto the site car park.

Mrs Bonney stated that there was only one gate in the site so where would the other emergency exit be situated.

Councillor Sartin advised that the applicants had a plan put together which showed the emergency exits and stated that they did not have control of people on the highway.

The Legal Officer stated that the applicants have a duty to make sure people leave the festival in an orderly manner but that anything they do once they had left was not the responsibility of the applicants.

The objectors asked the applicants to clarify the times of the opening and closing of the festival and how long the security staff would be on site for.

The Applicants advised that they have changed the scheduled times of the application to close 30 minutes earlier and:

- Sale of alcohol would end at 22:30 hrs

- Recorded music 22:30 hrs
- Event closes at 23:00 hrs

Mr Bonney asked which way would the speakers be facing.

Mr Cottrell advised that the stage area would be as far away from the residential area as it could and the speakers would be facing inwards trying to contain the music away from residents.

Mr Taylor asked how long the disruption would take to set up the site and take the equipment away.

Mr Cottrell advised that they would start to set up a week before the event and clear the site within a week after the event.

Statement from the Environmental and Neighbourhood Manager

M Richardson expressed concerns regarding the proposed event, due to the issues which occurred with a smaller event held in September 2018. The Council's Environment & Neighbourhoods Team received 7 complaints on the day it occurred. This resulted in the Environment & Neighbourhood Manager visiting and forming the opinion that the level of music was loud, due to the low background noise level in the area. However, as the event finished at the prescribed time, and was a "one off" no formal action was taken regarding the noise disturbance.

Last year's event was approximately 50m from nearby residents, whilst the proposed event for this year was approximately 400m from the closest residents. This will afford some degree of protection to residents, but will still be disturbing due to the level of music required at the venue to provide a good experience to customers.

65dB(A) would provide a noise level of 83dB(A) at 50m from the stage, which may not provide an acceptable experience for customers. To provide a more desirable 90-93dB(A), this would provide a 72-75dB(A) level at the nearest noise sensitive premises. This will cause a public nuisance, even if the event was of a limited duration.

As such, I am unable to recommend that the event be allowed to take place, due to the event being likely to cause a public nuisance. Therefore, unless the applicant can satisfy the Environment & Neighbourhoods Team that the impact can be suitably reduced, the impact on residents was likely to be significant, especially due to the rural nature of the area.

If the Licensing Committee are minded granting the application, I would recommend that the following conditions were included to the licence in order to reduce the extent of the public nuisance.

1) Prior to the event

The Designated Premises Supervisor (or named representative) shall appoint a suitably qualified and experienced noise control consultant, to the approval of the Licensing Authority, no later than 4 weeks prior to the event. The noise control consultant shall liaise between all parties, including the DPS, Promoter, Sound System Supplier, Sound Engineer and Licensing Authority on all matters relating to noise control prior to, and during the event.

Reason: In order to ensure that a suitably qualified person was responsible for ensuring that a public nuisance was controlled before the event occurs.

2) Setting up the sound system

A noise propagation test should be undertaken at least 24 hours prior to the start of the event in order to set appropriate control limits at the venue. The sound system shall be configured and operated in a similar manner as intended for the event. The sound source used for the test shall be similar in character to the music likely to be produced during the event.

Reason: In order to set noise levels before the event occurs to ensure that a public nuisance does not exist.

3) Control of DJs.

The DPS shall ensure that the promoter, sound system supplier and all individual sound engineers/DJs are informed of the sound control limits and that any instructions from the noise control consultant and/or DPS (or representative) are implemented immediately.

Reason: In order to ensure adequate control over the volume of music played to prevent a public nuisance from occurring

4) Preventing public nuisance from amplified sound

4a) Overarching condition

It was important that the volume of any music including the bass content be adjusted accordingly to a level that does not cause a public nuisance. Whilst the venue was some distance from residents, as it was in the open air, there was no means of physically controlling the noise from the music, especially the bass beat of the music.

I would, therefore recommend the following condition to control the overall noise from the event. That the Premises Supervisor (or representative) shall monitor the volume of music emanating from the premises and adjust the volume to ensure that any amplified sound or other music from the licensed premises does not cause a public nuisance. The Premises Supervisor (or representative) would ensure that music from the premises does not cause a public nuisance by ensuring that the music was inaudible at the boundary of any properties where the occupiers are likely to be sensitive to noise.

Reason: To ensure that any music and amplified sound from the licensed premises does not cause a public nuisance.

Adjusting the volume of music to a level that was inaudible at any properties where the occupiers were likely to be sensitive to noise was a tighter restriction than required to prevent public nuisance. However, any music that was audible at this point had the potential to cause annoyance and lead to public nuisance.

The advice on inaudibility at the boundary of neighbouring noise sensitive premises was provided to try and reduce any ambiguity in the condition, and provides the Premises Supervisor with a clear benchmark for compliance.

In practical terms, it was possible that the music can be audible beyond this point and this condition still complied with, however the Premises Supervisor would be at risk of causing a public nuisance depending on the circumstances at that time.

4b) Monitoring of the noise

Whilst the above condition ensured that the applicant should not cause a public nuisance, the event needed to be monitored adequately to ensure that this did not occur. I would, therefore recommend the following conditions to ensure that adequate monitoring of the event occurs:

The Premises Supervisor (or named representative) shall monitor the volume of music emanating from the venue at two hourly intervals from the start of the event until 21.00 hours, and then hourly until the event finishes. This will occur at various locations in and around the event site at points agreed with the Licensing Authority. The specific locations should be agreed no later than 14 days before the event was scheduled to take place.

If the music was audible at the set locations the Premises Supervisor (or representative) shall contact the venue immediately discuss the matter with the person responsible on site and they shall decide if the volume of the music shall be reduced so that it does not cause a public nuisance at the monitoring points. The ultimate decision shall rest with the person responsible on the site.

A written log of site visits should be made and kept for inspection by the Licensing Authority if requested. This should include any a record of any telephone conversations with the responsible person on site and any remedial action taken to reduce the noise level. If no action was taken, reasons for this shall also be recorded.

Reason: To prevent a public nuisance

5) Contact for complaints

At least 14 days prior to the event, the licence holder shall provide Epping Forest District Council with a name and telephone number for a responsible person who can respond to any complaints throughout the duration of the event. This person shall also be the point of contact for the noise patrols and be responsible for maintaining the level of music and other amplified sound at an appropriate level.

Reason: To provide a point of contact should the Council receive complaints

(e) Presentation of the Objectors

Mr Bonney stated that this could have been avoided as there were plenty of fields in more remote areas instead of being on the doorsteps of residents.

(f) Questions for the Objectors from the Sub-Committee

The Sub-Committee had no further questions for the Objectors.

(g) Questions for the Objectors from the Applicant

The Applicants had no further questions for the Objectors.

(h) Closing Statement from the Objectors

The Objectors had nothing further to add.

(i) Closing Statement from the Applicant

The Applicants had nothing further to add.

(j) Consideration of the Application by the Sub-Committee

The Chairman advised that the Sub-Committee would withdraw from the Council Chamber to consider the application in private.

During their deliberations the Sub-Committee received no further advice from the Officer's present.

RESOLVED:

That the decision of the Sub-Committee was that the application for a premises licence in respect of Uncle Ivan Limited, The Field, High Ongar Road, High Ongar, Essex CM5 9LZ, be adjourned. The Sub-Committee felt that they had not been given enough information to make a decision and asked for documentation to be provided for:

- The Event Management Plan;
- The Emergency Management Plan;
- An improved site plan; and
- A Road Traffic Management Plan, the latter should give particular regard to access onto and off of the A414 for which the Sub-Committee would expect liaison to take place with Essex Highways.

The Sub-Committee also requested that the Police Licensing Officer be invited to attend.

The Sub-Committee suggested that the meeting would reconvene in early June 2019 and a date and time would be circulated.

Meeting Reconvened Tuesday 4 June 2019 at 10am

The three Councillors that presided over this item were Councillors M Sartin (Chairman), R Morgan and S Heather. The Chairman welcomed the participants and requested that they introduced themselves to the Sub-Committee.

In attendance on behalf of the application were the applicants Mr S Cottrell and Mr S Poelman.

In attendance objecting to the application were Mr P Taylor, Mrs C Taylor, Mr A Mill, Mr J Alderton, Mr J Davis, Mrs J Davis, Mrs L Bonney, Mr R Gaylard and Ms J Higgins.

The Chairman introduced the Members and Officers present and outlined the procedure that would be followed regarding the new information that had been requested at the previous meeting. The Chairman asked if the Objectors would like more time to look over the new documentation but they declined.

The Chairman advised that Members would ask the applicants questions relating to the new documentation only and that the Objectors could then ask questions relating to the new documentation that had been provided.

(a) Questions for the Applicants from the Sub-Committee

The Sub-Committee asked how they would control the noise .

The applicant's advised that there would be an event sound technician on site at all times and would advise when the sound went over the legal limit and in turn the event organiser would get the music turned down. The speakers would be facing inwards and they were on wheels so could be moved and turned.

The Sub-Committee asked if tickets were already being sold on the internet.

The applicant's advised that the event had not yet been advertised and therefore no tickets had been sold.

The Sub-Committee queried why the name of the company had been changed from Uncle Ivan Limited to Zen Fest Limited.

The Applicant's advised that the company number had remained the same but the name was changed to refer directly to the applicants.

The Sub-Committee advised that Essex Highways had no objection to the event and therefore did not see the need for any highway restrictions or traffic management plan.

The Applicant's stated that they would not cone the road off but would put up signs directing traffic into the event car park on site.

The Sub-Committee expressed concern that the plan states that there will only be one person on the gate letting in the cars and one person directing cars to park. The Sub-Committee felt that this was not reasonable due to the proposed size of the event.

The Applicant's stated that they were judging this on the event held last year and they could always move more of the security staff to help out if necessary.

The Sub-Committee queried the size of the signage asking people to leave the event in a quiet and orderly manner. They stated that it would be dark and the signage at 200mm would be quite small.

The Applicant's advised that they had followed the Police guidelines but they would get them made bigger.

(b) Questions for the Applicants from the Environmental Health Officers

The Environmental Health Officers had no further questions.

(c) Questions for the Applicants from the Objectors

The Objectors expressed concern with turning off of the A414 into the road which the event would be held.

The Chairman advised that Essex Highways have not given any advice as they say they are no road issues and therefore this was not up for discussion at this meeting.

The Objectors expressed concerns regarding the insurance for the event and asked why there were other insurance certificates from other companies and what relation did they hold with the event.

The Solicitor for the Council advised that each separate company involved with the event had to have their own insurance.

The Objectors expressed concern with regard to people leaving the event and causing a public safety nuisance late at night in the surrounding area particularly accessing the back of their properties and people being able to get through the gaps in the hedge.

The Applicants replied that the whole of the site would be fenced off and they would look into putting more security around the perimeter where the gaps in the hedge were.

The Solicitor for the Council stated that public safety only related to the premises and what went on outside of the premises was not the responsibility of the event organisers.

The Objectors expressed concern regarding the parking on the Highway and if they would be able to park near to their houses.

The Applicants advised that security would move on anyone who tried to park on the Highway and ask them to park in the car park provided.

The Sub-Committee suggested that residents put a sign in their cars saying residents so they could park outside their houses.

(c) Statement from the Applicants

S. Poelman stated that the applicants had tried to work with the residents to come to a satisfactory conclusion but they were not interested in working to achieve this.

RESOLVED:

(1) The Sub-Committee considered that the application satisfied the necessary requirements in order to be considered as it was on the prescribed form, it had been advertised and relevant notifications given. The Sub-Committee had taken into account the representations, the four licensing objectives and the Council's Licensing Policy.

During the Sub-Committee's deliberations in private session advisory officers directed the Sub-Committee to the Hearings Regulation 2005, page 6 under the paragraph in 'Irregularities' numbers 31 to 33, whereby the Licensing Sub-Committee could take such steps as it considered to be appropriate and to cure any irregularities before making a decision. The irregularity in this matter referred to the fact that Samuel Cottrell stated that he was a director of Uncle Ivan Limited and upon checking with Company House I, he was not listed as such. To correct this irregularity the Licensing Sub-Committee was informed that this could be remedied by deleting the word Director against the name of Samuel Cottrell.

The Sub-Committee were also made aware that the name change of the Company had no relevance as the Company number remained the same.

(2) That the decision of this Sub-Committee was that the application for a premises licence in respect of Uncle Ivan Limited, now known as Zen Fest Limited, The Field, High Ongar Road, High Ongar, Essex CM5 9LZ be granted subject to the following conditions which the Sub-Committee consider are reasonable and proportionate for the promotion of the licensing objectives:

(a) That the conditions consistent with the Operating Schedule as modified by the conditions which have [previously been agreed between the applicant and Peter Jones, Licensing Officer, Essex Police, as set out on pages 51 and 52 of the Agenda together with the recommended conditions of the Environment and Neighbourhoods Officer numbers 1 to 5 as detailed on pages 4-6 of the Supplementary Agenda.

(b) That in addition the following conditions:

- That the License will not be issued until all necessary insurance documents have been put in place and presented to the Licensing Authority in the name of Zen Fest Limited.
- That any amendments put forward by the Safety Advisory Group meeting, to be held on 10 June 2019.
- That changes to the timings as set out in the Management Plan;

Open to the Public	12:00 – 23:00
Sale of Alcohol	12:00 – 22:30
Recorded Music	12:00 – 22:30

(c) The maximum capacity at the event to be 1200 persons excluding staff.

CHAIRMAN