

Minutes of a Meeting of the Licensing Act 2003 Sub Committee held in Council Chamber 1, Tedder Hall, Manby Park, Louth on Wednesday, 27th July, 2022 at 2.00 pm.

PRESENT

Councillors Stan Avison, David Andrews, Sandra Campbell-Wardman and Graham Cullen (sub).

Officers in Attendance:

Adrian Twiddy	- Principal Licensing Officer
Caroline Currie	- Senior Environmental Health Officer
Martha Rees	- Legal Representative
Joanne Paterson	- Democratic Services Officer
Elaine Speed	- Democratic Services Officer
PC Casey	- Alcohol Licensing Officer, Lincolnshire Police
Ms Catherine McGarva	- Solicitor to Lincolnshire Police

Also in Attendance:

Mr Bradley Cooper	Festival Organiser
Mr Ian Herring	Applicant

**1. ELECTION OF CHAIRMAN:**

Councillor Stan Avison was duly nominated and upon being put to the vote, it was

RESOLVED

That Councillor Stan Avison be elected Chairman of the Licensing Sub-Committee for this Meeting only.

COUNCILLOR STAN AVISON IN THE CHAIR

**2. DISCLOSURE OF INTERESTS (IF ANY):**

Councillor Graham Cullen asked that it be noted that he was a personal licence holder.

**3. APOLOGIES FOR ABSENCE:**

Those present were noted. No apologies for absence were received.

**4. TEMPORARY EVENT NOTICE - LLAMA TREKKING FARM, JULIAN BOWER, LOUTH:**

Members were advised that prior to the hearing discussion had taken place with the Premises User and Lincolnshire Police it was therefore considered beneficial to adjourn to clarify the issues that had been raised by the Premises User, in order that Officers could provide necessary advice to the Committee.

*(N.B The Sub Committee adjourned at 2:15pm)*

*(N.B The Sub Committee re-convened at 2:50pm)*

The Chairman invited those in attendance to introduce themselves.

The Principal Licensing Officer introduced his report and advised the Sub Committee Members that the report considered objection notices issued by Lincolnshire Police and the Council's Environmental Health Department regarding a Temporary Event Notice (TEN) for a dance music event in a marquee on the Llama Trekking Farm, Julian Bower, Louth.

The Principal Licensing Officer clarified the aspects of the event that required a TEN. A TEN had to be issued for an event for under 500 people where 'licensable activities' would take place, however the 'live music' element of the festival was exempt from TEN rules, should there be recorded music then this would require a TEN. The importance of this was emphasised to the festival organisers.

Members were further advised that the TEN sought to authorise the sale of alcohol (for consumption on the premises) and the provision of regulated entertainment on Saturday 30<sup>th</sup> July 2022. The proposed event period being from 1100 to 2300 hours.

Furthermore, the Principal Licensing Officer outlined the options available to the Committee, (page 1 of the report refers) stated that the Sub Committee must consider the objection notices issued by Lincolnshire Police and the Environmental Health Department in terms of upholding the licensing objectives.

The Principal Licensing Officer set out the background to the report in brief (paragraph 1.1-1.2, page 2 of the report refers) and explained that a decision was required to be made today.

Ms. Catherine McGarva, Solicitor to Lincolnshire Police was invited to make her representation to the Committee. Members were advised that the objection by the Police had arisen from concerns around crime and disorder, public nuisance and safety. The Police were concerned primarily with the absence of engagement and communication. Reference was made to the statement of Sergeant Palmer, Neighbourhood Policing Sergeant for the area concerned.

Members were reminded that Sergeant Palmer's role included engaging local communities and attempting to resolve any problems that were reported.

Specific concerns had been raised by Sergeant Palmer with regard to: -

- the 'siting' of the proposed festival given the local tensions in this area. Reference was made to the Location Plan (Appendix A of the report refers) also Julian Bower was a private road maintained by local residents a potential entry point for the event.
- There was also a live dispute regarding various rights of way and privately owned land in the area.
- Whilst these issues were ongoing it would only add to the risk of crime and disorder.
- In addition there was no consideration for provision of parking for the event resulting in members of the public parking on Julian Bower.
- There had been intelligence to suggest that local residents were using signage to try and prevent non-residents from using these roads.
- Concern that those visiting the event were unaware of the potential for local tensions, thereby escalating throughout the day potentially leading to violence and crime.
- Reference was made to a written statement from the Technical Community Fire Protection Manager with regard to various concerns with the event. Overall there was a lack of foresight to see that this site was not suitable and a serious risk to public safety.

Members were invited to asks question of the Police.

In response to a question raised, it was confirmed that the nearest property was 200 metres away from the proposed event.

Caroline Currie, Senior Environmental Health Officer was invited to make her case to the Committee.

Ms. Currie advised Members that her concerns related to noise, public nuisance, public safety and access for emergency vehicles should an incident occur. It was highlighted that Julian Bower was not a wide enough road to accommodate 2 vehicles, and there was limited access for pedestrians. Further concerns were raised with recent dry weather conditions and potential for fires. It was questionable whether the Llama Trekking Farm was a suitable size to safely vacate people off the site. It was also noted that another local event was taking place at Louth Cricket Club the same weekend further adding to the pressures on the local Town of Louth.

Mr. Bradley Cooper, Festival Organiser and Ian Herring representing LN Festival were both invited to make their comments on the request for a TEN.

Mr. Herring stated that the Event Management Plan (EMP) had been presented to the Safety Advisory Group (SAG) at the end of May 2022 via 'WeTransfer' and as such there had been no response. In applying for the TEN the organisers had tried to work with all parties including local residents. The festival organiser had put in place a full Medical Policy and confirmed parking would not be allowed on the site. It was confirmed that previous events held by LN Festival, there had been no reported issues with persons parking at the event. It was confirmed that a fire risk assessment had been drawn up and there was to only be one diesel generator on the site. The event organisers advised that the EMP document included a full risk assessment and associated insurance cover.

The Legal Advisor asked the event organiser if they wished the Committee to see the documents being referred to.

Further discussion ensued around whether the EMP had been received by the Council. Officers confirmed that this had not yet been received within the Licensing Team. Further Discussion also took place regarding the SAG. The event organisers reiterated that the EMP had been securely sent to the Council and with regard to the SAG, no response had yet been received.

The Principal Licensing Officer asked the festival organiser a number of questions.

In response it was confirmed that: -

- There had been difficulties contacting Officers within the Council regarding the event and there had been no response to telephone calls.
- In terms of the EMP this had been developed based on feedback from previous events held in Louth.
- Documentation had been sent via 'WeTransfer' and these emails could be provided as an audit trail.

The Legal Advisor urged Members to focus their decision making on the four licensing objectives and how these could be upheld.

The festival organiser assured the Sub Committee that they intended for the event to be as safe as possible, and wished to note that a considerable amount of effort had gone into organising the event.

The Legal Advisor confirmed with the Police and Ms Currie that they were happy for the Event Management Plan to be considered by the Committee. The Police and Ms Currie agreed to the documents being provided.

The Principal Licensing Officer stated that feedback had not yet been provided by the Safety Advisory Group and it was important that this feedback was received from experts in this field. The Principal Licensing Officer confirmed with the event organiser which documents had been received. These included; door supervisor arrangements, Drugs Policy, Security Policy and a Vulnerable Adults Policy. It was confirmed that the following documentation had not been provided; full risk assessment, medics information and an Event Management Plan. As such, these

documents needed consideration by the Committee in order for this to be an open and transparent hearing.

Members of the Committee were invited to ask questions.

In response it was confirmed that: -

It was the intention that the sale of alcohol would take place at the event until 2300 hours.

The Legal Advisor suggested that Members of the Sub Committee now adjourn to consider the additional information that was to be submitted by the festival organisers. This would allow all parties to have the opportunity to digest the additional information prior to making an informed decision.

*(N.B The Sub Committee adjourned at 3:38pm)*

*(N.B The Sub Committee re-convened at 4:55pm)*

*N.B An incorrect Event Management Plan was circulated to all parties and it was decided that the hearing would continue without it.*

The Senior Environmental Health Officer advised that should Members be minded to approve the application a draft Memorandum of Understanding (MOU) for the event had been drawn up which would address the noise issues.

The Principal Licensing Officer clarified that the MOU was an agreement detailing how both parties would manage noise levels and that this was not a matter for the Committee to agree today.

In response to questions asked the following was confirmed by Mr. Cooper and Mr.Herring: -

- In terms of the sale of alcohol and how this would be regulated it was confirmed that a Challenge 21 Scheme and 'No I.D No Entry' Policy would be displayed on posters around the site. Members were assured that this was an over 18's event and I.D was mandatory, and that there had been no issues with this at previous events.
- In terms of security, all staff were obtained from accredited companies and staff had vast experience having worked within the town.
- In terms of a Vulnerable Adults Policy this was now in place.
- Security staff on entrance gates would be responsible for checking customers I.D.
- Customers would exit the site outside Louth Athletics Club.
- Cigarette butt receptacles would be located around the site, no smoking permitted underneath the tents and there was a fire extinguisher on site.

*(N.B The Committee retired for their deliberation at 5:05pm)*

*(N.B The Committee re-convened at 5:43pm)*

In reaching their decision, the Sub-Committee had due regard for the licensing objectives, the Licensing Act 2003, the Live Music Act 2012, the Section 182 Guidance to Licensing Authorities and the East Lindsey District Council Licensing Policy. The Sub-Committee considered that all of the licensing objectives were relevant to the case of the TEN being considered.

The Committee had strong regards for the concerns raised by Lincolnshire Police, the Council's Environmental Health Team and Lincolnshire Fire and Rescue (who had submitted their concerns through Lincolnshire Police) about the event and also its location. Noting that there were concerns regarding emergency services accessing the site quickly, the plans for dispersing the crowd at the end of the event and also tensions surrounding access from the Julian Bower.

The Sub-Committee considered there to be a real risk of crime & disorder and public nuisance if there were only to be 2 Marshalls on the Julian Bower having been informed of existing issues between locals and the landowners. Additionally, the Sub-Committee had real concerns for public safety at the end of the event when event goers were being directed to exit the site onto London Road which was a 60-mph road with no footpath, especially given that event goers will have been drinking.

The Sub-Committee listened carefully to the views of the premise's user and his colleague and how they intended to run the event safely, and how they recognised that if there were issues, they would not be able to hold another event.

Having due regard for all that they had read and heard, the Sub-Committee considered that they remained unconvinced that the event would be run in a manner that would promote and safeguard the licensing objectives and alleviate the concerns of Lincolnshire Police, the Council's Environmental Health Team and Lincolnshire Fire and Rescue. The Sub-Committee remained of the opinion that the proposed site was not a safe location to hold the event and in a manner that would promote the licensing objectives.

The Sub-Committee therefore decided that it was appropriate for the promotion of the licensing objectives to issue a Counter Notice in respect of the TEN.

Following which it was,

**RESOLVED**

The Sub-Committee were satisfied, for the reasons put forward by the Police and the Environmental Health Team, that a Counter Notice

(cancelling the TEN) be served under Section 105 of the Licensing Act 2003.

The Meeting closed at 5.45 am.