LICENSING PANEL
6 JULY 2016
2.00 - 4.35 PM

Bracknell Forest Council

Present:
Councillors Brossard (Chairman), Ms Gaw and Mrs McKenzie

In attendance:
Ms Powell, Environmental Health Officer
Mr Bull, Legal Services
Mr Bowkett, Applicant
Mr Charlie Fletcher, Licensing Officer

7. **Declarations of Interest**

There were no declarations of interest.

8. **The Procedure for Hearings at Licensing Panels**

The Chairman confirmed that all parties understood the procedure to be followed for the hearing.

9. **Application for a Temporary Event Notice**

Licensing Panel Decision Notice: Application for a Temporary Event Notice for Varkala Festival on 12, 13 & 14 August 2016, at Park View Park, off Old Wokingham Road, Bracknell

The Panel's decision was that the application for a Temporary Event Notice (TEN) be refused on the grounds that there would be an adverse impact on the Licensing objective: 'Prevention of Public Nuisance' and specifically noise nuisance.

The Panel carefully considered all the information presented, both written and oral, from:

- the Licensing Officer who outlined the issues;
- the Environmental Health Officer;
- the applicant and his representative, who submitted oral and written representations.

together with reference to the Licensing Objective: Prevention of Public Nuisance, particularly noise nuisance, the Council's own Licensing Policy and the Secretary of State's guidance.

The Panel noted that none of the other responsible authorities had made representations.

At the conclusion of the licensing panel, having heard from participants present, the participants and the applicant confirmed that they had been given the opportunity to say all they wished to say.

The Panel noted the concerns of the Environmental Health Officer, which included that the proposed site for the festival was in close proximity to residential accommodation. When a similar event took place on this site in 2012, there were numerous complaints from the surrounding area. The site could be used for weddings but this was with the explicit understanding that organisers would reduce the noise from music from 23.00 and that there should be no noise emanating from the site after 01.00hrs.

The Environmental Health Officer expressed concern about the impact that the proposed three day music festival may have on local residents. This needed to be balanced against the benefits that the festival would bring, however in her opinion the adverse impact on residents from noise nuisance, outweighed the benefits of the festival. She expressed concern that there was no information in the TEN on expected noise levels and no noise modelling had been undertaken. Expected noise levels had been based on past experience of similar events.

The Panel noted the further concerns of the Environmental Health Officer around the type of music which was likely to include Techno, House and base beats, this would be particularly audible and was unacceptable after 23.00hrs on this site given the proximity of residents. She stated that offering residents ear plugs was not an acceptable solution.

The Environmental Health Officer stated that the duration of the event was also a concern, as residents would be exposed to the noise over a three day period, both in the day and night time. In addition, she did not believe that the applicant had ensured that robust noise management arrangements had been put into place.

In summary the concerns of the Environmental Health Officer were:

- duration of the event in terms of the number of hours that residents would have to endure the noise
- inadequate management procedures generally and specifically in relation to noise.
- excessive noise levels
- expected significant level of complaints

The Panel noted that the applicant had applied for a TEN in two other locations for this proposed festival and been refused.

The Panel noted the applicant's and his representative's representations as follows:

- the proposed event would be a mini festival with a relatively smaller sound system, in comparison to bigger type festivals,
- a similar festival had been held last year on this site and licensed until 02.00hrs called Mystic Summer and to the applicant's knowledge no complaints had arisen from residents as a result of this event. No one present was able to give any substantial details about these festivals
- the clientele that this kind of festival would attract were more mature and responsible,
- sound monitoring would be undertaken by volunteers and stewards particularly along Old Wokingham Road. Speakers would be positioned to ensure that sound did not travel excessively in the direction of residential accommodation,

- the applicant had visited and leafleted residents and had encountered no complaints.
- Security would patrol the camp site at night time to ensure music was not amplified.

The Panel were concerned that there was no consistency or an overall plan that they could see with particularity about how the sound systems would be positioned what testing there had been to ensure that the siting of the sound system would be mitigated over the site and cause minimal disturbance to the neighbouring houses.

A festival of this nature where a major component would be sound would require an acoustic expert or noise nuisance experts report setting out how the sound systems had been tested so the least intrusive arrangements could be put in place. Too much was felt to be being made up on the hoof and too much left to wait and see and chance on the part of the applicant. There was no clear picture about whether straw bales would or would not be used or any thought to what screening if any could mitigate the noise levels particularly after 23.00hrs. The Panel expected greater detail and facts about how the noise would be controlled and mitigated.

The Panel accepts that with every event there may be some complaints of low level nuisance, but following extensive questioning by the Panel they came to the decision that too much was not thought through and they just hoped it would be all right on the day. Were this to come back before a Panel it would expect to see much more rigorous testing and a clearer picture of where and how the sound systems were to be set up on the site, set out with some particularity, and what noise nuisance mitigation steps were going to be in place for example sound barriers to reduce leakage from the site.

On balance, taking all factors into consideration the Panel decided that granting the Temporary Event Notice would adversely impact the promotion of the licensing objective; Prevention of Public Nuisance, specifically noise nuisance and therefore decided that the application be refused.

The Panel were particularly concerned about the duration of the music into the early hours (02.00hrs) of Saturday and Sunday morning and were not persuaded that the noise could be controlled to the extent of not causing a nuisance to a significant number of nearby residents. In addition the Panel had concerns at the means of managing the impromptu noise into the night after the artists and performers had finished playing.

The Panel noted that it would have been helpful to have received participation from an acoustic engineer to demonstrate how the noise could be mitigated.

The Panel gave consideration to an earlier closure of 01.00 or 00.00 but were not persuaded that an earlier closure would be managed by the applicants.

In conclusion, the Panel decided that the application for a TEN for a 3 day festival on this site be refused.

CHAIRMAN