



Meeting of the Licensing Act 2003 Sub-Committee

held in the Council Chamber, at the Town Hall, Peterborough on 7 July 2023 at 1:30pm

RECORD OF PROCEEDINGS

1. Apologies for Absence	There were no apologies for absence received.
2. Declarations of Interest	None
3. Application	New Premises
3.1 Application Reference	122222 - Nene Valley Rock Festival, Horse Meadow, Nene Park, Peterborough
3.2 Sub-Committee Members	Cllr Chris Wiggan (Chairman) Cllr Nick Thulbourn Cllr Scott Warren
3.3 Officers	Darren Dolby, Regulatory Officer Colin Miles, Lawyer – Legal Advisor to the Sub-Committee Dan Kalley, Senior Democratic Services Officer – Clerk to the Sub-Committee
3.4 Applicant	Directors of Nene Valley Rock Festival
3.5 Nature of Application	<p><u>Application Type</u></p> <p>Sale of alcohol for consumption on the premises only</p> <ul style="list-style-type: none"> • Monday to Sunday - 11:00 to 23:00 <p>Provision of Films, Live and Recorded Music and Dancing</p> <ul style="list-style-type: none"> • Monday to Sunday - 11:00 to 23:00 <p>Provision of Late-Night Refreshments</p> <ul style="list-style-type: none"> • Monday to Sunday - 23:00 to 23:30 <p>Opening hours of premises</p> <ul style="list-style-type: none"> • Monday to Sunday - 10:30 to 23:30 <p><u>Summary of Premises Licence Application</u></p> <p>In accordance with the Licensing Act 2003, following the submission of an application for a new premises licence for Nene Valley Rock Festival, Horse Meadow & Lynch Farm,</p>

	<p>Nene Park, Peterborough, which had attracted representations in objection to the application, the Licensing Authority was required to hold a hearing.</p> <p>A summary of the issues raised by persons objecting to the application included:</p> <ul style="list-style-type: none"> • Increase in both vehicle and pedestrian movements near to and to or from the premises • Increase in disturbance and noise pollution for local residents from the premises • Increase in anti-social behaviour, fuelled by alcohol, from customers of the premises. • The number of potential events that could take place at the premises due to the 7 days a week licence request. • Premises would be near to a conservation area within Nene Park. • Potential for overcrowding from persons attending the vicinity of the premises without a ticket. • Concerns in relation accessibility of premises for emergency services vehicles
<p>3.6 Licensing Objective(s) under which representations were made</p>	<ol style="list-style-type: none"> 1. The Prevention of Crime and Disorder 2. The Prevention of Public Nuisance 3. The Protection of Children from Harm 4. Public Safety
<p>3.7 Parties/Representatives and witnesses present</p>	<p><u>The Licensing Authority</u></p> <p>The Regulatory Officer, who presented the case on behalf of the Licensing Authority.</p> <p><u>Applicant</u></p> <p>Mr Andrew Little – Nene Valley Rock Festival Director</p>
<p>3.8 Pre-hearing considerations and any decisions taken by the Sub-Committee relating to ancillary matters</p>	<p>There were no pre-hearing considerations.</p>
<p>3.9 Oral representations</p>	<p>The Regulatory Officer addressed the Sub-Committee and outlined the main points with regards to the application.</p> <p>The key points raised in his address included,</p> <ul style="list-style-type: none"> • Over 70 representations objections had been made. • No representation had been made by any of the Responsible Authorities which included Cambridgeshire Constabulary and Cambridgeshire Fire and Rescue Service.

- The Pollution Control team had engaged with the applicant and the representation had been withdrawn as a result of additional conditions imposed.
- The licence application had been made for four concert days throughout the year with a maximum being four days in total.
- The Applicant could hold as many events as they wished that were not concert days, such as craft festivals, with a licenced bar for less than 500 people. If a non-concert event was to exceed 500 people, the Applicant would need to contact the Licensing Authority to arrange consultation with the Responsible Authorities.

Applicant

Andrew Little and Tony Castle addressed the Sub-Committee. The key points raised during their address, and following questions from the Sub-Committee were as follows:

- Mr Little was named as the Applicant, however, there were three directors of Nene Valley Rock Festival (NVRF).
- The NVRF directors had worked at music festivals for many years.
- The festival was aimed at an age group of 50 plus.
- Music at the NVRF would include genres such as progressive rock, blues and classic rock, which was predominantly low volume in nature and not heavy metal as misreported in the press.
- The festival was intended to provide entertainment for music lovers.
- Local bands had been commissioned to play at the NVRF event.
- Since the Covid 19 pandemic many music venues had closed, and the music industry had experienced difficulties as a result. It was therefore felt that a music event with local musicians, local traders and local suppliers would be beneficial.
- Attendees would spend lots of money at local businesses and hotels and therefore had been a benefit to Peterborough's economy.
- NVRF would be supporting the Sue Ryder Cancer Trust by raising money. The event would also promote fund raising for Nene Valley Railway.
- Many tickets had been sold to people from Peterborough.
- There would be volunteer stewards working at the event, which included residents from Wistow Way, which demonstrated local support.

	<ul style="list-style-type: none"> • The concert would be run as a not-for-profit event, with some of the funding being met by the NVRF Directors. • Music and hot food would finish at 11:30pm every night of the NVRF event and subsequent events. • The age bracket expected to attend would be between 50 and 70. Know that will be the people who generally attend. • Due to the age of people likely to attend, there would be no concern of alcohol fuelled strangers congregating at the end of residential roads. • The NVRF directors had consulted the local community, to address any concerns by way of attendance the Orton Waterville Parish Council meeting. Furthermore, a Frequently Asked Questions (FAQs) had been made available on the website and copies had been posted through doors of objectors to the application. • Some analysis undertaken by the directors of NVRF had shown that only 32 houses had submitted their comments and not 70 as suggested by the LA. Some of the representations made, had been from a six and one year old, which brought into question, the legality of representations permitted. • The 52 representations equated to 6% of households in the Wistow Way area, and not a single representation from outside Orton Wistow area had been submitted. It was believed by the Applicant that several objections were unfounded, and that there had been 24 representations in support of the application which had were not submitted as evidence. • The original plans to use Lynch Farm as the campsite had been changed to Horse Meadow following consultation with local residents, and the change had cost thousands of pounds for the directors of NVRF. • The Applicant had engaged with the Safety Advisory Group (SAG) and the police and following their advice, commissioned the services of a local security firm to ensure that the event was correctly supervised. The Applicant believed that this had met the concerns raised within representations in relation to the Prevention of Crime and Disorder Objective. • There would be CCTV in operation in the bar area, on the advice of the police. In addition, the bar area would be policed by Security Industry Authority (SIA) personnel and volunteer stewards. • The festival area would be fenced off and hedges secured to avoid unauthorised intrusion into Horse Meadow and the music area. • The Applicant had liaised with the SAG to produce a full risk assessment and event management plan
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	<p>which was ongoing, to meet the Public Safety, concerns raised.</p> <ul style="list-style-type: none"> • A trained fire warden had been appointed who would check the approved purple guide fire appliances twice a day. In addition, all SIA personnel would be fire trained and stewards would be briefed by the warden at the beginning of each shift. • Barbeques had been banned from the site. • All access points into and out of the fields had been assessed in conjunction with the Nene Park Trust staff to confirm that emergency services could enter and exit the field as required. • The Applicant had also liaised with emergency services as advised by the SAG. • A professional first aid provision would be in place on site which would include an emergency medical technician, a first responder and a first aid vehicle during the daytime and on call in the evening via the SIA. In addition, all SIA personnel were first aid trained. • Most attendees would stay on site at night in the Horse Meadow camping area, and those that left, would be guided by event stewards and Nene Park Trust staff. • There would be no glass permitted in park, and the site litter would be serviced by litter pickers, skips and bins which would be regularly emptied. • The marquees being procured would hold the full allocation of ticket holders and sales would be capped at 1,000 to ensure the event was enjoyed by all attendees. • The Applicant had been in touch with Peterborough City Council (PCC) and conditions were imposed and agreed to abide by the Public Nuisance Objective, which included services commissioned with an accredited acoustic company. • The Applicant had provided some sound modelling, and the same company would be present during event and carry out monitoring and write a post event report. • A telephone number would be supplied for any complaints. Furthermore, any noise issues would be directed through the dedicated telephone number made available on the event website and any follow up action would be implemented. • The NVRF directors were aware of financial penalties if they had not abided by the conditions imposed in relation to noise control. • The noise level of 89db at the mixing desk located in the marquee, would dissipate to a noise level of 45 to 49db, outside the nearest house located on Svenskaby Road and would be based on a constant 15 minute of sound from the NVRF concert.
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	<p>Furthermore, these measures were in line with the approved sound map undertaken by the specialist acoustic company.</p> <ul style="list-style-type: none"> • In addition, the music speakers themselves would not be pointed towards houses and instead towards the ground, as demonstrated in the sound map diagram. • Signs would also be placed at the venue exit to ask the public to keep their noise down when they left the festival. • It was accepted that there had been some issues with parking around the houses and every measure had been taken not to make the situation worse. Furthermore, it had been expected that most attendees would park on the camp site on Horse Meadow in their caravan or campervan and arrive at staggered time periods due to the start and end date of the festival. • Day visitors would use the existing car parks and appropriate signage should direct vehicles accordingly. In addition, the Nene Park Trust staff would assist with parking control and a reduced parking fee would be in place, to mitigate inappropriate parking on streets around the area and Ham Lane. • It was expected that day visitors of the NVRF concert would refer to maps to locate the car park prior to their visit. Furthermore, this would be helped by the provision of postcode information included on tickets. • There had only been eight tickets sold for individuals under the age of 16. In addition, the Challenge 25 policy would be in operation to ensure that a proof of age was provided for alcohol sales and children would not be permitted in the bar area, which covered the protection of children from harm objective. Any adult found abusing these measures, would be asked to leave the concert. • Anyone under the age of 16 would have to be accompanied by an adult. • A lost child procedure would be in place and code words used to alert the security team. • There was no intention by the Applicant to run another festival this year. • Luxury toilets would be provided and deep cleaned and emptied daily. • A toilet attendant had been employed for seven hours a day to ensure they were kept clean. • Shower facilities for NVRF campers would be provided by the boat club. • Due to the age of expected attendees, the festival would finish by 11pm, as they would want to retire for the evening. There would be measures in place to ensure that SIA personnel dealt with any noise
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issues should they occur, and attendees would be asked to act responsibly to those around them.

- The NVRF directors were not aware of any actions in terms of noise breach or behaviour issues at previous festivals.
- The intention may be to hold the festival again next year; however, it was difficult to know until it had been fully evaluated by the organisers.
- Nene Park Trust had worked with the organisers of NVRF, to ensure that neighbours to the site would not be impacted. This arrangement would also happen with other companies that wanted to hire the NPT site for an event.

Ward Councillor

Councillor Day addressed the Sub-Committee. The key points raised during her address, and following questions from the Sub-Committee were as follows:

- Neighbours were alarmed when a rock festival was proposed for a four-day period, which included a Sunday night prior to a workday for them and school day for children.
- A public meeting was held to discuss the issue and 50 residents were in attendance, however only four streets were informed. It was thought that more would have attended the meeting if informed.
- Following a meeting with Nene Park Trust a steering group was formed at their suggestion. Nene Park Trust had met with residents following the 70 representations that had objected to the application.
- There had been 20 representations in support of the application, however, these were rejected by the Licensing Team as these were not relevant.
- It was positive to learn that the NVRF campsite had moved away from Lynch Wood Park, which was a credit to the organisers and had demonstrated that public dialogue was effective.
- Despite the consultation undertaken by NVRF and Nene Park Trust (NPT), residents' concerns remained in relation to the proximity of the festival stages near residential areas. Furthermore, stages near Horse Meadow would be located 350 metres away from residential properties for a 4-day period and play 42 hours of continuous music.
- It was felt that NPT, should have been aware of some of the residents' concerns before agreeing to the NVRF. In addition, the organisers should have researched the area and the potential for neighbour concerns.
- During a recent festival, Peterborough Celebrates, neighbours were negatively affected by many people parking their cars for free. It was felt that NPT

should arrange for free parking during the NVRT, to avoid people parking on nearby streets.

- It was felt that ecological and environment impact could be negatively impacted.
- The Sub-Committee were asked to consider imposing a free car parking condition so that streets were not used by NVRF attendees.

Other Persons

Dawn Sadler, Bob Bailey, Steve Swan and Sue Cox addressed the Sub-Committee. The key points raised during their address, and following questions from the Sub-Committee were as follows:

Dawn Sadler:

- The objector was confused about the proposals of four events and the four days a year stated in the report.
- The objector asked for consideration to be given to the code practice in relation to environment and noise control at music concerts. The guidance stated that this should be set at 15db, which would be above background noise levels and incredibly loud.
- The noise level of nuisance 11am till 11pm 16 days a year over four events was a concern and clarification had been sought as the Applicant had stated that this would be exceed if the licence was granted.
- The noise level of 43db, would provide a maximum of 58db at the nearest residential home, however, the background representative noise level taken at Tesco on Napier Place, was an extremely noisy area of Orton Wistow, and had not been representative for the residential area of Svenskaby.
- As an Environmental Health Officer in a Noise Nuisance Team, the objector conducted her own background noise level and a maximum 36db had presented over various time periods of the day in a quiet area of Svenskaby.
- The objector was concerned that her Grandchildren would have to endure a noise impact level of 22db above the normal level.
- The Code of practice was applicable to large concerts and NVRF would not be a large concert.
- No consultation had taken place with residents in relation to the number of days the event would run, and therefore, no compromise had been discussed.
- To grant the licence would have a significant impact on neighbouring residents as the application was for 365-day.

- The Sub-Committee were asked to consider the code of practice and whether the db level was set at the correct levels as a constant sound of low frequency base beats would travel for miles, which would not be appropriate for the quiet residential area of Orton Wistow.
- The amount of noise control proposals submitted by the applicant, demonstrated that these were not applicable to the NVRF event. Furthermore, it was felt that the level of conditions proposed highlighted that the venue was not appropriate for area.
- PCC would not operate an out of hours complaints service. In addition, the applicant had stated that there would be one telephone number for 70 plus residents, which raised concerns about any noise issues would be managed.
- Members were also asked to note the high-status noise guidance provided in the report pack in relation to industrial commercial which stated that 10 decibels above background noise level, would have a significant adverse impact depending on its context.

Bob Bailey:

- The objector was the closest resident to the NVRF event.
- Concerns and confusion had been raised about other events proposed under the terms of the licence application.
- If a licence was granted there could be 500 events throughout the year.
- There were no objections to a rock festival, however, the location was not appropriate as it was a field intended for horses and on a flood plain.
- The noise pollution was a key concern for residents of Svenskaby, a rural area of the city.
- The application, if approved would set a precedent for festivals to be held on Horse Meadow in future.
- Orton Wistow was a jewel in the crown of Peterborough.
- Forty of the people consulted in the Rookery in Orton Wistow, which was located near Svenskaby had not wanted a festival. However, the director of NVRF had not been concerned by the objections raised at the Parish Council meeting.
- It was felt that the behaviours of 50-year-old people had not been accurately reflected by the NVRF directors. Furthermore, the sound of the average rock concerts would produce music to 100-130db.
- The camp site was not large enough for the festival attendees, with 250 pitches.
- The older generation would not want to listen to four nights of a rock music festival.

Steve Swan:

- Application was lacking in detail and had not provided confidence that it was sufficiently planned.
- The application stated that security would be provided by volunteer and professional stewards, with a minimum of two SIA supervisors to be on duty at the entrance and access points to the festival and campsite. Furthermore, no numbers of professional and volunteer security staff had been provided and this was felt to be inadequate.
- It was felt inadequate, to provide no risk assessment training for volunteer staff other than a handbook.
- There were no risk assessments, safety plans and management plans provided with the application as they were in draft form. In addition, the event would be required to comply with the Construction (Design and Management) Regulations 2015 (CDM) for the entertainment industry, but there was no evidence in the application that the CDM 2015 Act had been complied with.
- A notification needed to be made to the Health and Safety Executive (HSE) via a F10 form in relation to assessment of site construction for the event.
- The site was located near the river and Gunwade lake and concerns were raised about what safety measures were in place for the public drinking alcohol.
- There had been no defined area for the caravan pitches with no details provided about the water and power supply to the campsite area.
- There had been no mention in the application in relation to ecology and the protection of wildlife such as otters, water voles and bats.
- In conclusion ferry meadows was not the preferred area for the event, and therefore should be rejected.

Sue Cox:

- There had been no reassurance provided that NVRF organisers would protect the natural habitat of otters. Furthermore, the introduction of a music festival on Horse Meadow, was a direct threat to designated protected wildlife species in the UK.

The Applicant, responded to the points raised by objectors:

- Some of the points raised were outside of the Licence Application.
- It was disappointing that some points raised had accused the NVRF directors of being misleading, which was not the case and clear direction had been provided that the event was for four-days.

	<p>Furthermore, there was no intention of organising any other event.</p> <ul style="list-style-type: none"> • The Peterborough Celebrates event had 23,000 people in attendance and was not on the scale of NVRF and therefore, was not comparable in relation to the vehicle parking issues raised. • The Applicant had spoken to Cherry Field residents and there appeared to be no concerns raised. • The noise figures had been provided by PCC and it was not clear why decibel readings conducted by residents would be relevant. • PCC had advised that an accredited acoustics company to assess the noise impact should be implemented. • The Applicant followed the code of practice as advised by PCC, which stated that a four-day festival should be set at 15DB, a three-day festival set at 20DB. • The Applicant had undertaken the standard health and safety requirements and applied these to the NVRF event. • The Applicant advised that they intended to operate within limits of the noise level set. There was no requirement to do anything more than send a consultant to investigate any noise issues raised. Furthermore, it was hoped that residents would accept the findings and not purposely ring the complaints number should the licence be granted. • The Applicant intended to adhere to the 89DB conditions set should the licence be granted as they would not want to be told to shut down. • The Regulatory Officer advised that the Applicant only needed to liaise with SAG in relation to a draft event management plan and draft risk assessment at this stage. Further meetings would be attended by the Applicant on the lead up to the event. • The organisers would undertake every measure to prevent festival attendees going into areas they were not permitted to be. • There would be no campsite diagram provided at the early planning stage of the NVRF event until it was known how many people needed to be catered for. In addition, tents would be separate from motorhomes. • There were silent generators on site for the supply of electric and plans were in place to cover the water supply. • The toilets would be self-contained, recirculated and cleaned. • The Applicant stated that comments raised by an objector in relation to the db levels were not accurate and reiterated that the NVRF directors had commissioned a qualified acoustic professional over the sound model levels of 45-49db. Furthermore, the
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	base frequency would not be on the same level as the drum and base music genre.
3.10 Written representations and supplementary material taken into consideration	<p><u>Applicant</u></p> <p>Consideration was given to the application for a Premises Licence Nene Valley Rock Festival, Horse Meadow, Nene Park, Peterborough attached to the Sub-Committee report.</p>
3.11 Facts/Issues in dispute	<p><u>Issue 1</u></p> <p>Whether the premises licence application would further support the 'Prevention of Crime and Disorder' Licensing Objective.</p> <p><u>Issue 2</u></p> <p>Whether the premises licence application would further support the 'Prevention of Public Nuisance' Licensing Objective.</p> <p><u>Issue 3</u></p> <p>Whether the premises licence application would further support the 'Protection of Children from Harm' Licensing Objective.</p> <p><u>Issue 4</u></p> <p>Whether the premises licence application would further support the 'Public Safety' Licensing Objective.</p>
4. Decision	<p>The Sub-Committee listened to all the evidence put before it and also took into account the contents of the application and all representations and submissions made in relation to it. The Sub-Committee found as follows:-</p> <p>The Sub-Committee considered the representations made at the hearing and in writing in support of the application by:</p> <ul style="list-style-type: none"> • There were 70 objectors • Andrew Little, Nene Valley Rock Festival (NVRF) Ltd • Tony Castle, NVRF Ltd • Stephanie Peachey, Nene Park Trust <p>The Sub-Committee also heard from the following objectors at the hearing:</p> <ul style="list-style-type: none"> • Cllr Day, Ward Councillor • Dawn Sadler, Resident Objector • Bob Bailey, Resident Objector • Steve Swan, Resident Objector

	<ul style="list-style-type: none"> • Sue Cox, Resident Objector <p>The applicant applied for the following licensable activities:</p> <p>Sale of alcohol for consumption on the premises</p> <ul style="list-style-type: none"> • Monday to Sunday - 1100hrs to 2300hrs • Provision of films, Live and recorded music and dancing • Monday to Sunday - 1100hrs to 2300hrs <p>Provision of late-night refreshments</p> <ul style="list-style-type: none"> • Monday to Sunday - 2300hrs to 2330hrs <p>The opening hours were to be 1030hrs to 2330hrs.</p> <p>The festival was due to last four days and take place over the weekend of the 31 August to 3 September 2023. It had been expected that there would be no more than 1,000 attendees on each day, with a number camping.</p> <p>The Sub-Committee noted the revised plan for the camping area.</p> <p>The Sub-Committee had read the committee papers containing the Licensing officer's report; the application and operating schedule; and the representations against the application; and latterly, the additional information.</p> <p>Representations referred to the following licensing objectives:</p> <ul style="list-style-type: none"> • Prevention of Crime and disorder • Prevention of Public Nuisance • Public Safety • Protection of Children from Harm <p>The Sub-Committee noted that there were no representations from any responsible authorities; although the Environmental Pollution team had made representations, but these were successfully mediated away. The concerns, that were relevant to one or more of the licensing objectives, raised were:</p> <ul style="list-style-type: none"> • Noise pollution effecting residents' use and enjoyment of their properties, before and after events • Light pollution • An increase in traffic both vehicular and pedestrian causing nuisance and pollution issues • An increase in alcohol fuelled anti-social behaviour • Frequency of events • Waste and general littering • Children having access to alcohol
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	<p>The Sub-Committee disregarded matters that had not related to the licensing objectives in question, and those that fell outside of this Sub Committee's remit.</p> <p>In the Sub-Committee's deliberations they had been referred to:</p> <ul style="list-style-type: none">• Peterborough City Council's Statement of Licensing Policy The Government Guidance issued under section 182 of the Licensing Act 2003• Licensing Act 2003 <p>The amended conditions offered by the Applicant where there were relevant representations made, the Sub-Committee could take one or more of the following steps to promote the licensing objectives:</p> <ul style="list-style-type: none">• Grant the licence as submitted subject to the operating schedules and mandatory conditions• Amend, alter or delete a condition in the operating schedule• Reject a proposed licensable activity• Refuse to grant the licence <p>The Sub-Committee therefore GRANTED the licence for the premises, known as Nene Valley Rock Festival, Horse Meadow & Lynch Farm, Nene Park, Peterborough, subject to the operating schedule, mandatory conditions, and additional conditions. There appeared to be sufficient steps in place to support and promote the four licensing objectives.</p>
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Chairman

Start 1.30pm – End 3:33pm