

DECISION NOTICE

Licensing Sub-Committee of Mendip District Council

Date of Hearing – 12 May 2021 at 14:00

Virtual Meeting via Live Stream

Members of the Licensing Sub-Committee

Cllr. Sam Phripp (Chair)

Cllr. Simon Carswell

Cllr. Helen Sprawson-White

Also, in attendance:

Lesley Dolan	Principal Lawyer. Mendip District Council	Legal Advisor to the Sub-Committee
Dave Burn	Democratic Services Manager	Mendip District Council
Jack Godley	Senior Licensing and Business Support Officer	Mendip District Council
Matthew Phipps	Partner, TLT LLP	Representing the Applicant, Glastonbury Festivals Limited
Jen Mackley	Licensing Manager	Glastonbury Festivals Limited
Adrian Coombes	Operations Director	Glastonbury Festivals Limited
David Leversedge	In support of the Applicant	
Steve Russell Yarde	In support of the Applicant	
Joanna Benner	Other Person	Local Resident
Carolyn Griffiths	Other Person supported by Mikael Nyblom	Local Resident
Nick Hall	Other Person	Local Resident
Nicola Dyer	In-house Solicitor	Representing Mendip District Council as Responsible Authority
Marietta Gill	Team Leader Public Protection	Mendip District Council

Matt Cloke	Senior Environmental Protection Officer	Mendip District Council
Ward Councillor	Nigel Hewitt-Cooper	Ward Councillor Mendip District Council

Prior to the presentation of the Licensing Officer's report, the Chair advised that there were three matters that needed to be addressed, and he called upon the Legal Advisor to read aloud a statement in connection with those matters which related to -

1. The legal position in connection with determining this application by means of a virtual hearing;
2. The position regarding the Council's Statement of Licensing Policy. There was currently no adopted policy, the previous one having expired in January 2021; and
3. The Revised procedure Note for New Premises Hearings.

Attached to this Decision Notice at **Annex 1** is a copy of the Statement read aloud by the Legal Advisor together with a document at **Annex 2** which shows the differences between the document called "*Procedure for New Premises Applications*" and the document called "*Virtual Hearings Procedure for New Premises Applications*".

The Chair advised that the Applicant and the Other Parties had both since, the despatch of the Agenda submitted documents that they wished to rely upon at today's hearing all which have been detailed in the Updating paper circulated by Mendip's Democratic Services Team, to all parties ahead of the hearing. The Sub-Committee have considered these documents and the decision as to whether they will be allowed to be introduced at today's hearing is endorsed in the following table.

Appendix A	Site Location Plan for Camping on 84 ha at Worthy Farm from 21st June 2021	Requested by Other Party - Mr Hall	Request declined as not relevant to the application currently before the Sub - Committee
Appendix B	Draft Minutes Pilton Parish Council 7 th April 2021 Chair had failed declared he employed by the Applicant	Requested by Other Party - Mr Hall	Request declined as not relevant to the application currently before the Sub – Committee. This is a matter for Mendip's Monitoring Officer
Appendix C	HM Government Publication – <i>Fire Safety risk Assessment Open</i>	Requested by Other Party - Mr Hall	Request Declined. The lead on fire safety is the Fire and Rescue Service who

	<i>Air Events and Venues</i>		have not lodged a representation as Responsible Authority, to this application.
Appendix D	Letter dated Mendip District Council to Mr C Edwards, Worthy Farm – Variation/Removal of Planning Conditions	Requested by Other Party - Mr Hall	Request declined. Planning matters do not fall within the remit of the Licensing-Sub-Committee.
Appendix E	Worthy Farm Concerts September 2021 - Sound Management Plan	Requested by Applicant	This will be permitted as it has direct reference to the application before the Licensing Committee.
Appendix F	David Leversedge Noise -Rebuttal Points	Requested by Applicant	This will be permitted as it has direct reference to the application before the Licensing Committee.
Appendix G	Minutes Priddy Parish Council 21st June 2017	Requested by Other Party – Ms Griffiths	Request declined as not relevant to the application currently before the Sub-Committee.
Appendix H	Glastonbury Festival Events Limited Premises Licence Plan – Ref PLSP 001	Requested by Other Party – Ms Griffiths	This map has already been included by the Applicant (see page 37 of the Agenda Papers).
Appendix I	Glastonbury Festival Events Limited Premises Licence Plan - Ref PLSP 002	Requested by Other Party – Ms Griffiths	This map has already been included by the Applicant (see page 36 of the Agenda Papers).

In coming to its decision on the application, the Licensing Sub-Committee has considered the following: -

1. The Licensing Act 2003 as amended by the Police Reform and Social Responsibility Act 2011;

2. The Revised Statutory Guidance issued under section 182 of the Licensing Act 2003 (re-issued in April 2018);
3. The powers of the Licensing Authority to deal with this application contained within section 18 of the Licensing Act 2003;
4. The obligation to promote the four licensing objectives as set out in Section 4(2) of the 2003 Act; and
5. The Council's (now expired) Statement of Licensing Policy referred to in the Licensing Officer's report. See Annex 1.

The application before the Licensing Sub-Committee seeks a licence for the following:

Sale by retail of alcohol (on the premises)	Friday and Saturday 14:00 – 23:00 hours
Live Music	Friday and Saturday 16:00 – 23:00 hours
Recorded Music	Friday and Saturday 14:00 – 23:59 hours
Anything of a similar description	Friday and Saturday 14:00 – 23:59 hours
Late Night Refreshment	Friday and Saturday 23:00 – 23:59 hours
Films	Friday and Saturday 14:00 – 23:59 hours

Prior to the presentation of the Licensing Officer's report, Other Persons ("OPs"), Ms Griffiths and Mr Hall raised several preliminary issues/points of order which are detailed below.

The responses of the Applicant are shown in red and the Licensing Officer in green.

Ms Griffiths	
1.	<p>The content of the plan is not compliant. The plans are legitimate and compliant. The Applicant's plans have been accepted by the Licensing Authority ("LA") as being compliant. There is no requirement for the LA to display the plans on its website. Plans were sent to Ms Griffiths upon her request which was after the close of consultation.</p>
2.	<p>The Operating schedule is not compliant. The Operating Schedule is perfectly legitimate.</p>
3.	<p>The legitimacy of this hearing. This is a matter for the Licensing Authority.</p>
4.	<p>The Blue Notices The Applicant has conducted the advertising in accordance with the legislation. The LA confirms that the Applicant has correctly advertised at the premises in accordance with the requirements of the legislation. In addition, three other</p>

	Blue Notices have been put up by the Applicant at Mary's Gate, Tesco and in the middle of Pilton. Licensing Officers checked the location of all the Blue Notices.
5.	OPs not kept in the loop as to the revisions to the Operating Schedule. This is the way that licensing is conducted.
6.	No meaningful contact by the Applicant for the OPs. The Applicant disputes this and any suggestion that the Applicant has been anything other than transparent is refuted.
7.	Paper overload – inability to read everything and reparation of case therefore hampered. This is acknowledged on behalf of the Applicant, but this is the nature of things.
Mr Hall	
1.	Fire Safety Document at Appendix C – this had been submitted on the 5 May and had only been circulated the day before the hearing . The request to introduce this document was declined by the Licensing Sub-Committee. The reasons are set out above.
2.	The Legal Statements. <ul style="list-style-type: none"> • Each Licensing Authority must review and publish its Statement of Licensing Policy at the end of every 5-year period. The statutory Guidance also requires an LA to prepare and publish a statement of its licensing policy at least every 5 years. • The revised hearing procedure for dealing with new Premises Licences is causing prejudice. This was covered in the Statement read aloud by the Legal Advisor.

At this point, the Chair sought advice from the Legal Advisor as to whether anything heard thus far would indicate that this hearing was not lawful and should not continue. The advice provided to the Committee was that from everything that had been heard so far, there was nothing to suggest that continuing with the hearing would be unlawful.

Mr Godley then presented the Licensing Officers Report and was asked questions by Mr Hall about potential crime and disorder connected with the Application. Mr Godley responded that the Police are the lead authority for Crime and Disorder, and they had not lodged a representation to the application. Mr Hall questioned why the application is referred to as “The September Event”. Mr Godley advised that it had been received without a name and as such it become referred to as “The September Event”.

Mr Godley also confirmed when questioned, that his report was erroneous in that it did not refer to the fact that the Applicant is also seeking a licence for Films - Friday and Saturday 14:00 – 23:59 hours.

Mr Godley was able to confirm that all the 35 conditions extracted from the Applicant's Operating Schedule (Section M of the Application) and reproduced at Annex 4 of the Agenda papers, were all now agreed with the Applicant and in the

event of the application being granted, would be added as conditions to the Premises Licence.

Mr Godley was also able to confirm that he had attempted to facilitate mediation between the Applicant and the Other Parties but that had not happened as the Other Parties did not wish to attend a mediation meeting.

Ms Dyer then addressed the Sub-Committee on behalf of Mendip District Council in its capacity as Responsible Authority for Public Protection and for Environmental Protection. Representations had been lodged by Marietta Gill – Team Leader for Public Protection and Curtis Lakin – Team Leader Environment and Community Protection. Whilst Ms Gill was present to answer any technical questions, Mr Lakin was unable to be in attendance and accordingly Mr Matt Cloke, Senior Environmental Protection Officer was in attendance in his place.

Ms Dyer advised the Sub-Committee that in terms of Ms Gill's representation regarding Public Protection, conditions had been agreed with the Applicant and on that basis her representation was withdrawn. The agreed conditions were read aloud by Ms Dyer to the Sub-Committee.

Ms Gill was specifically questioned by the Sub-Committee regarding lateral flow testing that might be required before or after the event. Ms Gill responded by stating that it was important to realise that COVID planning sits outside the licensing regime. COVID regulations will always trump any licence granted under the Licensing Act 2003.

Mr Hall observed that no detail had been provided about sleeping arrangements, the audience profile and whether staff were going to be in-house. Ms Dyer advised that regarding camping, the expansion of the clause in relation to the EMP covered this. Ms Gill emphasised that Public Protection for the event was about the protection of people at the event. The protection of the villagers/community were covered by Mr Lakin's representation. Ms Gill advised that pedestrian access and vehicle route and the crown safety plan were all covered off in the Traffic Management plan and the nature of the fence was covered off in the expansion of condition in the EMP.

Mr Cloke addressed the Sub-Committee, advising that the main issue set out in the representation at pages 61-64 of the Agenda papers, was the level of noise nuisance, specifically the c-rating or low frequency noise. There was a need to protect people inside and out and that is why 5 conditions had been suggested specific to the prevention of Public Nuisance from noise at pages 63-64 of the Agenda papers based upon on existing and emerging guidance.

Ms Dyer confirmed that bullet points 1, 3 and 4 set out at page 63 had been agreed with the Applicant. In terms of bullet point 2– the first and third sentence had been agreed but not the second sentence. The table on page 64 was not agreed but that bullet point 5 had been agreed.

When cross questioned on behalf of the Applicant, Mr Cloke advised that the reference to Guidance in his oral submissions to the Sub-Committee, was in fact to

unpublished guidance from 1997. He did not know when it was to be published and he was unable to identify the authors apart from advising that it was representatives from the Noise Council, upon which Mr Lakin sits. He confirmed that as unpublished guidance, it has no legal status. He does not know whether it has been peer reviewed and does not know whether it has been collated as he has never seen it.

When cross questioned about the table on page 64, Mr Cloak admitted that he was not aware that the time period 10:00 – 14:00 was not part of the Applicant's application for a premises licence.

Mr Cloke advised that the reference to 43dBA in the table for PRL 823 in both columns was an error and it should in fact read 45dBA.

There then followed presentations from the Other Parties, Ms Benner, Ms Griffiths and Mr Hall.

Ms Benner read from a pre-prepared statement of concerns which can be summarised as follows.

- The lack of camping provision for this event.
- The event itself is proposed to be 2.5 times bigger than an event at the O2 and will therefore bring traffic problems to the lanes of Pilton.
- The nature of the fence does not seem to have been decided and when asked by the Sub-Committee whether she has seen improvements in the main Festival, she stated no.
- She went on to state that she can't make people understand what it is like living in Pilton whilst the main Festival is underway.
- She fears that this proposed concert will grow into another Festival.
- There was also concern about the problems of families trying to get children to school if the event was permitted to take place on a weekday.

Ms Griffiths the presented her case to the Sub-Committee which was essentially as follows -

- Although there are only 3 Other Parties, this does not indicate the level of stress that the events cause the villagers.
- She doesn't feel that specific questions have been answered.
- Many matters are being shunted into management plans and that the only time Other Parties have any leverage is here today.
- Granting the application will be a breach of her human rights.
- The 49,999 permitted to be in attendance – how will they be dealt with as there will be massive vehicle movements in and out. The risk has not been properly assessed – we have been told that there will be no accommodation provided for these people.
- Is there a Parking Strategy to prevent illegal parking in the village?
- When is the event to take place.
- What protection will there be for underage persons.
- COVID risks

- The cumulative effect of this proposed event, the Pilton Party and the main Festival. When the Council reviews its Statement of Licensing Policy it should consider introducing a cumulative impact policy.
- The Manchester Proposal – this would provide a solution to this part of the problem

Mr Hall set out his case to the Sub-Committee

- Application poorly defined and non-compliant
- The Applicant's application is rushed and its approach complacent and arrogant. They do not know whether they are proposing a Pilton event or a light Festival.
- Late and ineffective consultation. The Applicant did attend at Pilton Parish Council but missed two other opportunities to engage which contrasts with the Priddy Parish Council approach.
- How can residents and the Responsible Authority understand cumulative impact when information is not shared.
- Control of patrons attending the event – a big fence deters but we don't know what type of fence will be used. How can you have a Security Plan if you don't have this information
- Planning – Guidance mentions discussions between the Planning and Licensing Officer.

Mr Phipps presented the case for the Applicant and advised that Mr Leversedge would address the Sub-Committee as to noise.

- The application arises because of the coronavirus pandemic. It is made to safeguard the significance of the Festival and to ameliorate the cultural and commercial loss arising from its cancellation this year and last year.
- The event is proposed for the 17 and 18 September on a single stage from 14:00 – 00:00 hours.
- Completely different event to the Festival.
- 40k public ticket holders with 10k staff.
- Same team putting on and managing this event as the Festival.
- In terms of dialogue, there has not been as much pre-application consultation as there would normally be. The Government's road map out of COVID was announced on the 22 February and as a result there have been considerably shortened timelines.
- Application is entirely proper and comprehensive.
- Jen Mackley has emailed the Parish Council. On the 30 March the Applicant has attended a MAP meeting and, on the 8 April, has consulted with Messrs Lakin and Cloke and Inspector Mark Nicholls of the Avon and Somerset Constabulary.
- It has been suggested that the conditions are not comprehensive - this is refuted.

- If the EMP is not signed off by the Licensing Authority, there will be no event.
- Re: COVID-19 – public health does not come within the remit of the Licensing Act 2003. COVID restrictions/requirement do however trump everything and will be monitored closely.
- Fire Safety – there is no representation from the lead authority. Whilst this cannot be taken as an endorsement of the application, it does mean that the Responsible authority is satisfied with the arrangement that are proposed.
- Traffic and Transport – the Other Parties do not appreciate the level of detail in the application which has not been submitted by a ‘Johnny Come Lately’.
- As this is an application for a new event, it is highly appropriate that the Operating Schedule is different and that it doesn’t mirror the Operating Schedules for the other events. Your Legal Advisor will no doubt provide advice the Sub-Committee that it is a fundamental tenet of premises licensing that each application is to be treated on its own merits. Mr Kolvin QC, who has provided advice to the Sub-Committee will no doubt be very familiar with this principle.
- In terms of Environmental Protection, there has been a request for a series of conditions in Mr Lakin’s representation. The Applicant does not agree that the conditions requested are necessary in the circumstances. The conditions on page 62 are agreed but are covered by MAP provisions. The second sentence of bullet point number 2 on page 63 of the Agenda papers is not agreed. It is an unlawful condition.
- On page 64. The condition involving a suggested dBC level is based upon an unpublished document which is an extraordinary proposition.
- The cumulative effect – the proposed event is 2 single standalone days that will finish at 00:00. Mr Hall and I agree about the Pilton Party, but we are not dealing with the Pilton Party. The levels proposed are legitimate and fair, the Applicant is asking for 70dBA not 75dBA. Mr Leversedge has been involved with the Applicant and Mendip since 2002.
- Traffic – Steve Russell Yarde will speak about getting patrons in and out of the premises. This has been discussed with the Highway Authority, the Parish Council and the Avon and Somerset Constabulary.
- The Applicant has sought to accommodate residents.
- In terms of Mr Hall’s comments –
 - The Applicant does not accept that there has been a lack of engagement on its part.
 - The use of the farm for camping this summer. That is a planning matter for planning.
 - Application for a licence in perpetuity – it is open for an Applicant to seek a discrete licence for a short period of time. The Applicant has chosen not to do this.
 - Provision of the fence – the Applicant will have an appropriate fence in place.
 - Criticism that Licensing Officers have not been robust is unfair. You only have to look at the dialogue that has been taking place.
- In terms of Ms Griffith’s comments –

- I would invite the Sub-Committee to look very carefully at her oral representation today. These should relate to those matters set out in her written representation.
- Each application should be dealt with on its own merits and so her suggestion that comparisons should be made to other events should be ignored.
- Her reference to an “unlicensed pub” is a mirror into the tone and appropriateness of her representation.
- As the Applicant’s legal representative, I have written to all the Other Parties.
- Comparisons have been made to the 1985 Festival and the 2000 Festival. The proposed event is not a Festival.

Mr Leversedge advised that he has overseen noise management for the Festival since 2002.

- Initially the licence only allowed up to 60 decibels at the Pyramid Stage. This caused problems with crowd logistics.
- An application to increase to 65 decibels was granted. We haven’t seen a rise in complaints and take this as a fair yardstick to go by.
- The guidance on dBC. I was part of a committee that looked at this as part of a Code of Practice in 2008. No document emerged and the Applicant does not feel that it should be accepted.
- The period between 10:00 – 14:00 hours is not part of the application and it shouldn’t therefore be part of a condition.
- I would propose to be on site throughout the event, monitoring the stage and off site, predominantly in Pilton. I will be in full control of the sound levels, contactable and available.
- When questioned by the Sub- Committee as to the suggestion that a ‘Manchester Group’ be set up, Mr Leversedge advised that Adrian Coombs was responsible for community engagement. We are here because COVID and hopefully we will be back on track for the main Festival and the Pilton Party, soon.
 - As to questions regarding a licence in perpetuity and every fallow year, Mr Phipps responded that this is a COVID inspired application for a COVID inspired event. There is no intention to hold this event every fallow year, but the Applicant cannot say that it won’t.
 - Ticket sales – will they be for a one night or a week-end basis? Mr Phipps advised that nothing can be done before the Applicant has a licence. They then need to understand the roadmap post the 21 June and they will then be able to look at available artists. The Applicant will develop a ticketing strategy and line up taking account of the concerns of the community regarding available facilities.
 - Admission of under 18s – will they be admitted with a responsible adult with smaller children be admitted for free. All arrangements regarding children will be set up following full liaison with Responsible Authorities.

- Where are people going to stay? Mr Phipps advised that a condition will be offered to Ms Benner that the Applicant will sweep all car parks before and at the end of the event. This will be included in the Security and Stewarding Plan.
- There are clearly economic benefits to the wider community if patrons were able to stay for consecutive nights but clearly there would be a need to safeguard residents. The Applicant advised that anybody purchasing a ticket would be advised that there was no camping on site. There are a lot of local B&Bs, hotels and campsites. The Applicant has contacted bus operators in Glastonbury, Street, Wells and Shepton Mallet. It is not June-July and it will be colder and getting darker early. The Applicant will be recommending patrons to go off site on the basis that they will put in hand arrangements to get them back.

The parties were invited to sum up in the following order –

- Mr Godley for the Licensing Authority
- Ms Benner – Other Party
- Ms Griffiths – Other Party
- Mr Hall – Other Party
- Ms Dyer for the Responsible Authority – Environmental Health
- Mr Phips on behalf of the Applicant.

The Licensing Sub-Committee is cognisant that there have been no representations regarding the application from the Police and the Fire and Rescue Service in their capacity as Responsible Authorities.

The Licensing Sub-Committee must carry out its functions with a view to promoting the four licensing objectives -

- The prevention of Crime and Disorder;
- Public Safety
- The prevention of public nuisance; and
- The protection of children from harm.

The Licensing Sub-committee has focused its decision making on the likely effect of the grant of the application on the promotion of those objectives.

In its promotion of the four licensing objectives the Licensing Sub-Committee has had to balance the interests and concerns of Mendip District Council as Responsible Authority and the concerns of the Other Parties against the business interests of the Applicant.

The Sub-Committee has carefully considered everything that it has had heard today and its decision is set out below.

Having considered the matter in detail the Sub-Committee has agreed to grant the September Event PRL823 premises licence application, from Glastonbury Festival Events Limited, with no modifications, subject to the inclusion of the following conditions, as required by the Licensing Act 2003. These include mandatory

conditions and conditions consistent with the Operating Schedule and conditions offered up by the Applicant at the hearing.

In determining the application and listening to the evidence from all parties the Sub-Committee makes the following points:

- In recognition of the fact the Licensing Authority's Statement of Licensing Policy has expired, the Sub-Committee has considered this application against the old policy which expired in January 2021, current legislation and the statutory guidance under section 182 of the Licensing Act 2003. Although the Sub-Committee has considered the expired Statement of Licensing Policy, the weight applied to it is not the same as that which would be applied to an extant Policy. To do otherwise would mean that there would be no other means to measure the applications against.
- Given the fact that the Council offices are closed to the public as a result of COVID-19, the Sub-Committee accepts the redacted information and the maps should have been available on the website. However, there was nothing contained in that information that would suggest that the application was non-compliant by way of it being incomplete. The Sub-Committee notes that when the information was requested, it was provided.
- The Sub-Committee is satisfied the positioning of the blue notices complied with the requirements set in the legislation.
- The concerns regarding additional information provided by the Other Party, Mr Hall regarding fire safety are noted, but no representation had been made by the Fire and Rescue Services as the Responsible Authority leading on Fire Safety in relation to this application.
- That the Licence application is for events commencing from 14.00 therefore the noise restrictions proposed for the hours from 10.00 until 14.00 on page 63 of the Agenda Papers is not applicable.

Conditions

1. The proposed event(s) are for multi-artist, live music concerts to be delivered on the Pyramid stage at Worthy Farm.
2. The event will be delivered over a maximum of two consecutive nights, (Friday and Saturday) on one weekend in a calendar year to be agreed a minimum of 120 days in advance of the event date.
3. The event will not be held in the same calendar year as the main Glastonbury Festival (PRL767)
4. Pilton Party (PRL634) shall not take place within 30 calendar days of this proposed event (PRL823)

5. The capacity of 49,999 will include all staff, traders, performers and crew.
6. No public camping will be provided by GFEL.
7. Before opening: A site sweep will be carried out at the licenced site and car parks well in advance of gates opening, to ensure there are no public ticket holders in these areas before permission has been granted to access these locations.
8. After gates closed: A site sweep will take place of the licenced site and then the car parks in a timely fashion following the end of the concert to move public ticket holders from these areas, but this will be operationally timed so it does not adversely affect the exit phase transport plans for the car parks and will be timed to reduce the impact on local residents as far as practicable.
9. A detailed Event Management Plan will be submitted including the following:
 - Operational Summary (including all licensed and operational timings, ticketing arrangements) which must include:
 - a. ticketing plan – cancellation, capacity, marketing, management of those without tickets
 - b. list of all licensed activities to include live artists, films, standalone entertainment
 - c. plan to identify structures, fencing, facilities, lighting, access routes and staff only areas
 - d. fencing and barriers – prevent entry on site and ensure safety within
 - Alcohol Management which must include:
 - a. number of areas selling alcohol,
 - b. alcohol sale policy, signage
 - c. managers to be identified at premises selling alcohol.
 - Traffic and Transport arrangements which must include:
 - a. clear traffic plans for entry and exit to the event site including timings
 - b. details of how vehicular pedestrian conflict will be managed on site, car parks, bus stations and respective egress access routes.
 - c. access to bus stations and car parks and operating hours detailing restrictions and facilities provided.
 - d. entry and Exit plan
 - Security and Stewarding which must include:
 - a. both on-site and off-site arrangements

- b. within exit and entrance and access areas
 - c. within the car parks and bus station
 - d. prior to and during the event
 - e. fencing and barriers
 - f. crowd safety
 - g. collaboration with Avon and Somerset Police
 - h. search and entry
 - i. drugs policy
 - j. management of those without a ticket
 - k. contraband / general banned goods
 - l. removal or evictions policy
- Noise Management which must include:
 - a. monitoring processes on and off site
 - b. limitation of noise plan
 - c. details of limiting devices and access
 - d. timings of stage operations
 - e. consideration of adverse effects on local area
 - f. location of noise generating equipment
 - g. full traffic Plan
 - h. litter and Waste Management
 - Major Incident and Emergency Planning which must include:
 - a. details of cancellation, evacuation and public protection
 - Safeguarding (including lost child policy) which must include:
 - a. link to ticketing policy and welfare
 - Health and Safety including risk assessments and method statements.
 - Medical and Welfare provision which must include:
 - a. facilities available and location
 - b. consideration of reduction of pressure on NHS
 - c. information available prior to event
 - Crowd Safety Plans which must include details regarding:
 - a. capacity
 - b. access
 - c. ingress
 - d. circulation
 - e. disabled access
 - f. facilities available
 - g. security and stewarding
 - h. evacuation
 - i. fencing and barriers

- j. risk assessments on expected audience behaviours
 - Fire Safety Plans which must include:
 - a. fire risk assessment carried out and equipment required.
 - Infrastructure – including sanitation, waste, and temporary water provision which must include:
 - a. detail of the infrastructure of the event site, to include public and non-public areas.
 - b. fencing and barriers around and within the site
 - c. lighting within the public and staff areas
 - d. facilities for public and staff to include staff camping arrangements
 - Food Safety, food hygiene and general health and safety regulations.
10. An organisation structure shall be provided at least 90 days in advance of the event to all members of the Multi-Agency Partnership meetings which details the roles responsible for specified elements of the Event. Names and contact details to be provided for the fulfilled roles no later than 30 days in advance of the event.
11. A full EMP will be submitted to the Licensing Authority no less than 90 days in advance of the event including a site plan showing bars, traders, concessions, fire points and other non-fixed sanitation arrangements.
12. A final EMP shall be made available to the Licensing Authority and Responsible Authorities no less than 30 days before the start of the event period. The final EMP must be to the satisfaction of the Licensing Authority. On receipt of written confirmation to the PLH from the Licensing Authority that it is satisfied, the EMP shall be fully complied with each year
13. GFEL will convene Multi-Agency Partnership meetings in relation to this event as follows:
- a) MAP 1 - 120 days prior to the event – Start of the formal planning phase
 - b) MAP 2 – 90 days prior to the event – All members to be in receipt of draft EMP
 - c) MAP 3 – 30 days prior to the event – All members to be in receipt of final EMP
 - d) On any other occasion on written request from any MAP member
 - e) MAP 4 – Within 60 days post event for de-brief
14. There will be effective command, control, communication and coordination between GFEL and with all responsible authorities and other multi-agency partners during the event.

15. GFEL will appoint a lead for each chapter of the EMP who will liaise with respective appointed leads of the MAP. These leads will liaise 1-2-1 or within a small working group to plan, consult, engage, advise and review each EMP chapter prior to each MAP, EMP submission deadline and otherwise as required.
16. All meetings may be face to face or conducted virtually.
17. 'Covid Secure' planning considerations and a full risk assessment will be undertaken in partnership with Somerset County Council, Public Health England and in line with the Government Roadmap and relevant legislation, advice and guidance at the time if required. Such planning shall include a cancellation and/or evacuation plan.
18. A competent event safety professional will be employed to ensure all elements of the EMP are delivered in accordance with best industry practice, guidelines and legislation. All Plans will be developed to reflect capacity, entertainment type and audience profile.
19. The event safety lead will liaise with contractors, sub-contractors and other employees on the licensed site to ensure compliance with the site rules and Health and Safety regulation.
20. Detailed plans and processes will be completed (relative to the event size), to cover the following areas:
 - Site and venue capacities
 - Document collation including certifications, supplier safety documentation, risk assessments and insurance, installation and sign off documents including power and electrical sign off
 - Application of CDM regulations if applicable.
 - Structural sign off and calculations provided for temporary structures
 - Adherence to noise at work regulations.
21. Appropriate levels of medical and welfare provision will be provided in accordance with the recommended levels set out in the purple guide. Services will be provided by an approved medical provider and agreed in advance with South West Ambulance Services, and other health partners.
22. Fire safety equipment will be provided throughout the licensed site in accordance with the fire risk assessment. The fire risk assessment will be undertaken by a competent person and agreed in advance with the Devon and Somerset Fire and Rescue Service.
23. A competent crowd safety manager will be employed to review crowd management plans.
24. Emergency and incident procedures will be developed in consultation with the Responsible Authorities and consider the following:

- Public protection strategies
- Cancellation and evacuation procedures
- Major Incidents and Emergencies including inclement weather
- Media management.

25. A Food Safety Management Plan will be developed considering the general principles of the Food Law Code of Practice England (March 2017) as well as relevant food hygiene, general health & safety regulations.

26. A list of all traders will be submitted to the Licensing Authority 30 days in advance of the event. All traders will be registered with their local Council and will be compliant with all food hygiene standards.

27. A competent manager will be appointed to review and implement the Food Safety Management Plan.

28. A qualified acoustic consultant will be appointed to review and implement a noise management plan for the event.

This will include:

- A scaled plan showing the position and orientation of sounds systems or stages.
- Timings of stage operations and performance times for scheduled acts
- Agreed monitoring processes including on and offsite monitoring locations
- Publicised telephone number for residents in the event of complaint

29. The plan will be agreed with Mendip Environmental Health Officers and include appropriate conditions to minimise noise disturbance including offsite levels.

30. All PA and technical equipment will be provided by a reputable company.

31. Litter and Waste will be sorted and removed from the site, including relevant recycling operations.

32. Traffic and Transport planning will be undertaken in full consultation with Somerset County Council highways, the Local Authority and other Responsible Authorities.

33. Steps will be taken to minimise the impact of traffic on local residents at the close of the event including pre event communications and 'respect our neighbours' signage in the carparks.

34. Public Consultation and ongoing liaison will be undertaken with residents and local Parish Councils detailing this event.

35. A dedicated hotline telephone number will be made available to the public during the event.

36. DBS checks will be undertaken for anyone fulfilling a 1-2-1 role with children or vulnerable adults.
37. Challenge 25 schemes will be undertaken in all bar outlets.
38. Appropriate LA2003 signage and briefings to bar managers will be undertaken.
39. An alcohol sale refusals register will be maintained.
40. The applicant shall take advice from a competent person on appropriate public liability insurance cover for the event and a copy of the public liability insurance cover certificate shall be forwarded to the Licensing Authority at least 30 days before the Event.
41. The applicant shall ensure that drinking water is available free of charge as a minimum at medical points and in the pit area of the main stage. A sufficient supply of cups shall be available in these areas so that members of the public who are dehydrated can be given water to drink.
42. The applicant shall ensure persons attending the event shall not be allowed within 3m of any operational loudspeaker with a rated power output in excess of 1Kw. (27 OS)
43. The applicant shall ensure the peak sound pressure level in the public areas shall not exceed 140dB and the Equivalent Continuous Sound Level in audience areas shall not exceed 109dB A (Leq 1 minute.).
44. The applicant shall ensure persons attending are warned of the potential damage to their hearing in advance on tickets, by signage at the entrances and in ticket terms and conditions.
45. The applicant shall ensure adequate lighting is provided to the licensed area, all access/exit routes to and from the licensed site, and toilet blocks when the public are on Glastonbury Festival Events Ltd event site.
46. The applicant shall ensure they develop a plan to the satisfaction of the Licensing Authority for delivering information to members of public attending the event. Guidance on information (and welfare) is contained within Chapter 20 of T The Purple Guide - <https://www.thepurpleguide.co.uk/>. A copy of the plan to be forwarded to the Licensing Authority at least 30 days before the event
47. The applicant shall provide a list of the names and owners business addresses of all the fairground rides expected, to the Licensing Authority at least two weeks before the event.
48. The applicant shall ensure that a competent person checks insurance details and inspection certification associated with all amusements and fairground

rides. Copies of relevant documents (inspection of amusement devices carried out under the provisions of the Amusement Device Inspection Procedures Scheme (ADIPS) and the PIPA Inflatable Play Inspection Scheme (or similar)) shall be kept at the event and available for inspection on request by an officer of the Council.

49. The applicant shall provide to the Licensing Authority details of fireworks, pyrotechnics, lasers or any other special effect authorised to be used at the event at least two weeks before the event.
50. The applicant must notify all schools within in a three-mile perimeter of the site 120 days in advance of the event.
51. U18s must have a ticket irrespective of whether free tickets are issued and no admission of U18s will be granted unless they are accompanied by a responsible adult.

Noise

1. A suitably qualified noise management consultant shall be appointed and shall prepare and implement a Noise Management Plan (NMP). A first draft of the NMP shall be made available with the first Event Management Plan 90 days prior to the start of the event period and a final version shall be made available at least 30 days before the start of the event period. The NMP shall demonstrate how compliance with the licence conditions relating to noise will be achieved and will include the offsite and onsite monitoring arrangements and how noise generating aspects of the entertainment will be controlled.
2. The Premises Licence Holder, or a nominated deputy, shall take all reasonable steps to effect full control over all noise sources arising from the premises having particular regard to amplified and non-amplified music. The Premises Licence holder shall ensure that at least one such responsible person be available on the premises at all times (contactable by Officers of the Licensing Authority), whilst members of the public remain on the premises.
3. All sound systems associated with the running of event shall cease operating between 00:00 and 10:00 hours on each day of the license period of the event. Sound testing of the music venue shall be permitted for a maximum of a period of one and a half hours between the hours of 10.00 and 16:00 and is not subject to the requirements of condition 4 below.
4. Noise levels from the operation of the event shall not exceed the levels stipulated in the following table when measured at the boundary of any noise sensitive property as a continuous equivalent measurement:

Time Period	Noise Level
14:00 to 23:00	L _{Aeq} , 15 min 70dBA
23:00 to midnight	L _{Aeq} , 5 min 45 dBA

5. A report identifying the results of the noise monitoring, local meteorological data and summary of noise control observations shall be forwarded to the licensing authority within 28 days after the close of the event and shall be available for inspection at any time during the event.

All parties are reminded that: -

1. Any party may apply to the Licensing Authority for a Review of a Premises Licence.
2. There are rights of appeal against this decision the Licensing Authority pursuant to Section 181 of and Schedule 5 to the Licensing Act 2003. An appeal must be made to the Magistrates' Court and commenced within 21 days of notification of the Authority's decision. Appeals should be sent to Taunton Magistrates' Court, St. John's Road, Taunton TA1 4AX.

MENDIP DISTRICT COUNCIL

Licensing Sub-Committee – 12 May 2021 at 14:00

Statement regarding Legal Matters

1. Virtual Hearings

On 1 April 2020, regulations made under s.78 of the Coronavirus Act 2020, *The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (SI 2020/392)* - “the Flexibility Regulations” permitted local authority meetings required on or before the 7 May 2021, to be held remotely. These provisions have not been extended.

On the 28 April 2021 in a handed down decision, the President of the Queen’s Bench Division and Mr Justice Chamberlain concluded that primary legislation would be required to allow local authority “meetings” post 7 May 2021 under the Local Government Act 1972, to take place remotely.

On the 28 April 2021, the Institute of Licensing reporting on the High Court decision, provided advice as to whether hearings under the Licensing Act 2003 are affected. The advice refers to Paragraph 43 of the Institute’s

‘Protocol for licence applications and hearings under the Licensing Act 2003 during the COVID-19 pandemic’

published in April 2020 and updated, which states –

‘Whilst the new Coronavirus Regulations (in both England and Wales) remove any residual doubts about the legality of remote licensing hearings, and enable Council’s to make their own standing orders to facilitate their conduct, in our view, the specific licensing provisions already in existence enable remote hearings, in any event, to lawfully take place under the Licensing Act 2003.’

The Licensing Authority has considered that advice and is satisfied that this hearing this afternoon can lawfully take place remotely.

2. The Licensing Authority's Statement of Licensing Policy

The most recently published Statement of Licensing Policy which came into effect on the 7 January 2016, expired in January 2021 and presently there is no currently adopted policy in place.

Leading Counsel's Advice (Mr Philip Kolvin QC) has been sought in relation to the discharge of licensing functions under the Licensing Act 2003 pending the adoption of a new policy and specifically in relation to this hearing.

The Advice received states:

"This case involves the clash of 2 imperatives:

- *Section 5 of the Licensing Act 2003 requires the policy to be determined in respect of each five-year period.*
- *Regulations 4, 5 and Schedule 1 of the Licensing Act 2003 (Hearings) Regulations require hearings to be held within 20 working days beginning with the day after the end of the period during which representations may be made under section 17.*

The Act does not expressly resolve that clash. It does not say that no hearing may proceed if the licensing authority has failed to publish its policy. Nor does it say that the hearing must proceed regardless of whether there is an extant policy. The reason for this is simply that Parliament expected there to be an extant policy and so the clash did not need to be catered for.

However, now the clash has arisen, the question is what are the authorities' duties? To my mind that is easily resolved. The authority is in continuing breach of its duty to publish a policy. But it is not yet in breach of its duty to hold a hearing. However, if it fails to hold a hearing it will have compounded its initial breach of duty (to publish a policy) with a further breach of duty (to hold a hearing). In breach of the first duty it may be, but it should not and must not compound that by breaching the second duty. It must proceed to hold the hearing. Were it otherwise, then it would not be in a position to determine any licence applications until it has published a consultation draft policy, consulted upon it and then adopted it, which is bound to take months. During that whole period, licence applications would be paralysed. That is an unappealing vista, and I do not consider that it is one required by the legislation.

How, then, should the licensing sub-committee go about determining the application? In my view, it is not required as a matter of law to disregard its former policy. It should consider the extent to which the policy provisions remain relevant to the circumstances as they present themselves and give the policy such weight as they think fit, having regard to its relevance and its age.

I have not found a case directly in point, although some analogy is to be found in Peel Investments (North) Limited v Secretary of State for Housing Communities and Local Government [2019] EWHC 2143 (Admin) in which the Administrative Court upheld the decision of a planning inspector that an out of date plan might continue to be given weight, depending on the exercise of planning judgment. To my mind, it would be harder for an authority to give weight to a negative policy – such as a cumulative impact policy – once it has expired than a policy which simply sets out how the authority will come to exercise its licensing judgment. In the latter case, while acknowledging that the policy is out of date and so cannot have the same weight as it would have if current, there is no reason why it cannot be taken into account as a relevant consideration in the licensing balance.

For these reasons, I advise against any postponement of the hearing. The decision should acknowledge that there is no current licensing policy, and should reflect whether any and if so, what weight has been given to the former policy, with reasons.

3. Revised Procedure Note for New Premises Hearings

On the 6 May 2020 an updated procedure document 'Virtual Hearings Procedure for New Premises Applications' was circulated to all parties by the Democratic Services Team at Mendip to replace the document at page 4 of the Agenda – 'Procedure for New Premises Hearings'. This document has been updated to reflect that the meeting will be a virtual hearing.

One of the Other Parties, Mr Hall has commented as follows:

“For the record I note that under Section 7(1) of The Licensing Act 2003 (Hearings) Regulations 2005 says "The notice of hearing shall be accompanied by.....(c) the procedure to be followed at the hearing".. Not only did this updated procedure not accompany the notice of the hearing but it came less than five working days before tomorrow's hearing.

I understand that this can be considered prejudicial to the preparation of our case and should be reviewed by the sub-committee at tomorrow's hearing.”

Pursuant to the Licensing Act 2003 (Hearings) Regulations 2005 (as amended), under the section entitled *Irregularities*

Regulation 31 states: -

“Any irregularity resulting from any failure to comply with any provision of these Regulations, before the authority has made a determination shall not of itself render the proceedings void.”

Regulation 32 states: -

In any case of such irregularity, the authority shall, if it considers that any person may have been prejudiced as a result of the irregularity, take steps as it thinks fit to cure the irregularity before reaching its decision.”

The Licensing Sub-Committee have examined the differences between the two documents and do not consider that there is prejudice to any party as a result of the changes to the document.

LICENSING SUB-COMMITTEE

VIRTUAL HEARINGS PROCEDURE FOR NEW PREMISES APPLICATIONS

The Chair will control the proceedings and the following is a guideline for each hearing but may be adjusted if appropriate.

	Task	Tick when complete
1	The Chair explains the proposed format for the meeting and asks everyone to introduce themselves.	
2	The Chair will ask if there are any declarations of interest.	
3	The Licensing Officer briefly outlines the report.	
4	All parties present and Members of the Sub-Committee may ask questions of the Licensing Officer about the report.	
5	The objectors make their representations in in the following order <ul style="list-style-type: none"> • Responsible Authorities • Other Persons. 	
6	All parties present and Members of the Sub-Committee may ask questions of the objectors after each of their presentations.	
7	The Committee considers the representations made by parties not in attendance at the meeting.	
8	The Applicant presents their case.	
9	All parties present and Members of the Sub-Committee may ask questions of the Applicant	
10	Licensing Officer asked if they wish to sum up or add anything further	
11	Objectors are asked if they wish to sum up or add anything further in the following order <ul style="list-style-type: none"> • Other Persons • Responsible Authorities 	
12	Applicant asked if they wish to sum up or add anything further	
13	The Chair requests everyone to leave all present, apart from the room in order that the panel may reach its decision. The Legal Officer and the Democratic Services Officer to the panel remain.	

	<u>, to be placed in the virtual waiting room in order that the Sub-Committee may consider its decision.</u>	
14	Everyone will be invited to return <u>brought back in from the virtual waiting room</u> to receive the decision. In the event of complex or lengthy applications, the panel <u>Sub-Committee</u> may decide to give <u>defer the announcement</u> its decision at a later date. <u>in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 (as amended).</u>	