

Public Document Pack

Your ref
Our ref
Ask for Christine Lewis
Email



District Council House, Frog Lane
Lichfield, Staffordshire WS136YU

Customer Services 01543 308000
Direct Line

Monday 12 June 2023

Dear Sir/Madam

LICENSING AND CONSENTS APPEALS COMMITTEE

A meeting of the Licensing and Consents Appeals Committee has been arranged to take place **FRIDAY, 16TH JUNE, 2023 at 11AM IN THE COMMITTEE ROOM**, District Council House, Lichfield to consider the following business.

Notes to the Committee Members and the Committee's Adviser

Please arrive 15 minutes before the start time.

Notes to all other parties

Please ask for Christine Lewis on arrival at the main reception of the District Council Offices, Frog Lane, Lichfield.

Yours faithfully

A handwritten signature in cursive script that reads 'Kerry Dove'.

Kerry Dove
Chief Operating Officer

To: Members of Licensing and Consents Appeals Committee

Councillors Evans, Warfield and B Yeates (Chair)



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[lichfield_dc](https://twitter.com/lichfield_dc)



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AGENDA

1. Apologies for Absence
2. Declarations of Interests
3. Determination of Objection to a Temporary Event Notice under the Licensing Act 2003 3 - 30



DETERMINATION OF OBJECTION TO A TEMPORARY EVENT NOTICE UNDER THE LICENSING ACT 2003



Date: _____
 Agenda Item: _____
 Contact Officer: _____
 Tel Number: _____
 Email: _____
 Key Decision? **NO**
 Local Ward Alrewas & Fradley
 Members Cllr D Cross, Cllr M Wilcox, Cllr S Wilcox

LICENSING AND CONSENTS APPEALS COMMITTEE

1. Executive Summary

- 1.1 A Temporary Event Notice (TEN) was submitted in relation to a festival to be held at Fradley Woods Gorse Lane, Fradley 27-30 July 2023 between 12:00hrs – 04:00 hrs. The licensing team has received an objection from Environmental Health.
- 1.2 The objection relates to the prevention of public nuisance licensing objective.

2. Recommendations

- 2.1 Members are asked to determine the objection to the Temporary Event Notice, under Section 105 section (2) Licensing Act 2003, having due regard to the Council’s Licensing Policy and the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003

3. Background

- 3.1 Section 104 (2) Licensing Act 2003, allows the Police or Environmental Health to object to a Temporary Event Notice if they believe that allowing the premises to be used in accordance with a Temporary Event Notice will undermine one or more of the licensing objectives.
- 3.2 The licensing objectives are:
 - The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- 3.3 The Licensing Team received a Temporary Event Notice on 5 June 2023 from Bertie Benson for a festival to be held at Fradley Woods off Gorse Lane Fradley 27-30 July 2023 between 12:00hrs – 04:00 hrs. The TEN is for a maximum of 499 persons (including staff, organisers and performers). It is for the sale by retail of alcohol, the provision of regulated entertainment and the provision of late night refreshment. A copy of the TEN is attached at **Appendix A**
- 3.5 On 7 June 2023 an objection was received from Environmental Health on the grounds that allowing the premises to be used in accordance with the Notice would undermine the prevention of public nuisance

objective. There were noise issue experienced by residents during this festival in 2021 & 2022. Objection is attached at **Appendix B**.

3.6 On 7 June 2023 an email was received from the premises user suggesting a meeting to discuss. A response was sent 8 June 2023 advising that a Hearing would take place unless all parties could agree. Copy attached at **Appendix C**

Alternative Options	<ol style="list-style-type: none"> 1. Members decision is whether or not to issue a Counter Notice. If a Counter Notice is issued this means the event cannot take place. A notice with reasons for the decision must also be given. 2. If members decide not to issue a Counter Notice and allow the event to go ahead the premises user and the relevant persons must be given notice of that decision. 3. It should be noted that no conditions can be attached to the TEN. 4. The TEN can be modified, but only with the agreement of all relevant parties.
Consultation	<ol style="list-style-type: none"> 1. A copy of the Notice was served on both Staffordshire Police & Environmental Health 2. The objection was sent to the premises user and Staffordshire Police
Financial Implications	<ol style="list-style-type: none"> 1. The fees for a TEN are payable on submission. They are not refundable. 2. If the application is refused, or granted with conditions, the applicant has the right of appeal to the Magistrates Court against the decision. 3. Similarly, a person who made relevant representations has a right of appeal against a decision to grant a licence, or the conditions imposed upon it.
Approved by Section 151 Officer	Yes/no*
Legal Implications	<ol style="list-style-type: none"> 1. If the application is refused, or granted with conditions, the applicant has the right of appeal to the Magistrates Court against the decision. 2. Similarly, a person who made relevant representations has a right of appeal against a decision to grant a licence, or the conditions imposed upon it. 3. The committee will have legal advice at the meeting.
Approved by Monitoring Officer	Yes/no*
Contribution to the Delivery of the Strategic Plan	<ol style="list-style-type: none"> 1. Licensing contributes to enabling people, shaping place and developing prosperity.

Equality, Diversity and Human Rights Implications	<ol style="list-style-type: none"> Article 6 of the Human Rights Act 1998, states that in determination of a person's civil rights and obligations, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Article 8 states that everyone has the right to respect for his private and family life, his home and his correspondence. Part II, Article 1 states that every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to conditions provided for by law and by the general principles on international law.
EIA logged by Equalities Officer	Yes/no* Equalities Officer confirmed not required.
Crime & Safety Issues	<ol style="list-style-type: none"> Staffordshire Police are a statutory consultee in relation to Licensing Act 2003 applications. Under the Crime and Disorder Act 1998, particularly Section 17, local authorities must have regard to the likely effect of the exercise of their functions and do all they can to prevent crime and disorder in their area. The Licensing Authority will have regard to the likely impact of licensing on related crime and disorder in the District, particularly when considering the location, impact, operation and management of licensable activities
Environmental Impact (including Climate Change and Biodiversity).	<ol style="list-style-type: none"> Potential from noise and light pollution can be considered as part of this process.
GDPR / Privacy Impact Assessment	<ol style="list-style-type: none"> Disclosure of personal details making can be done where the circumstances justify such action

	Risk Description & Risk Owner	Original Score (RYG)	How We Manage It	Current Score (RYG)
A	Legal challenge	Impact – Yellow Likelihood – Yellow Risk - Yellow	Committee Members are trained in how to conduct a hearing appropriately. Legal advice is provided through a qualified legal officer to advise their decision making	Impact – Yellow Likelihood – Yellow Risk - Yellow
B	Reputation	Impact – Green Likelihood – Green Risk - Green	Committee Members are trained in how to conduct a hearing appropriately. Legal advice is provided through a qualified legal officer to advise their decision making	Impact – Green Likelihood – Green Risk - Green
C				
D				
E				
		Background documents		

Relevant web links

[Revised guidance under section 182 of the Licensing Act 2003](#)

<https://www.lichfielddc.gov.uk/downloads/file/1779/statement-of-licensing-policy-2021-2026>

<http://www.legislation.gov.uk/ukpga/2003/17/contents>

* required information

Section 1 of 9

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference	Not Currently In Use	This is the unique reference for this application generated by the system.
Your reference	Wibbly Woods Festival 2023	You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.
<p>Are you an agent acting on behalf of the applicant?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>		<p>Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.</p>

Applicant Details

* First name	REDACTED	
* Family name		
* E-mail	info@wibblywoods.com	
Main telephone number		Include country code.
<input type="checkbox"/>	REDACTED	
<p><input type="checkbox"/> Indicate here if you would prefer not to be contacted by telephone</p>		
<p>Are you:</p> <p><input checked="" type="radio"/> Applying as a business or organisation, including as a sole trader</p> <p><input type="radio"/> Applying as an individual</p>		<p>A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.</p>

Applicant Business

Is your business registered in the UK with Companies House?	<input checked="" type="radio"/> Yes <input type="radio"/> No	<p>Note: completing the Applicant Business section is optional in this form.</p>
Registration number	13788977	
Business name	Wibbly Limited	If your business is registered, use its registered name.
VAT number	- <input style="width: 100px;" type="text"/>	Put "none" if you are not registered for VAT.
Legal status	Private Limited Company	

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 9

APPLICATION DETAILS ([See also guidance on completing the form, general notes and note 1](#))

Have you had any previous or maiden names?

- Yes No

* Your date of birth

Applicant must be 18 years of age or older

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

Correspondence Address

Is the address the same as (or similar to) the address given in section one?

- Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Continued from previous page...

Additional Contact Details

Are the contact details the same as (or similar to) those given in section one?

- Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail

Telephone number

Other telephone number

Section 3 of 9

THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). [\(See also guidance on completing the form, note 2\)](#)

* Does the premises have an address?

- Yes No

Address

Is the address the same as (or similar to) the address given in section one?

- Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

* Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

- Neither Premises licence Club premises certificate

Location Details

* Provide further details about the location of the event

This event will be tucked away in Fradley Wood in an opening with the coordinates being 52.717904, -1.800944
This area can be accessed via a gate on Gorse Lane with the coordinates being 52.716134, -1.791037

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below [\(see also guidance on completing the form, note 3\)](#)

This event will be fully restricted to allow only the ticket holders, organisers, security, first aid and performers access. We are

Continued from previous page...

using a ticketing platform so the security team can monitor who has and hasn't bought a ticket. To help with this restriction, we will surround the the area with heras fencing which will also be constantly monitored by security. Security and first aid will be working 24 hours a day to secure the area and guarantee a safe site.

Describe the nature of the premises below ([see also guidance on completing the form, note 4](#))

The nature of the premises is agricultural land. Most of the land is put into grass with some cereal crops around the site but not within the fenced area of the event.

Describe the nature of the event below ([see also guidance on completing the form, note 5](#))

The event is a festival that celebrates the love of art, music, food and culture. We pride ourselves in working closely with up and coming artists and artisans to achieve a creative space. Please see below how we aim to address the 4 statutory objectives and aims of the TEN license;

The prevention of crime and disorder:

- 24 hour SIA certified staff
- Bag searching on entry
- Heras Fencing closely monitored

The prevention of public nuisance;

- Detailed noise and litter management plans
- Technology in place to limit noise levels (digital mixers, DSP software and experienced sound engineers)

Public Safety;

- Access to staff and ticket holders only
- All equipment to be fully PAT tested and controlled by engineers and electricians
- 24 hour SIA security staff to monitor unauthorized access

The protection of children from harm;

- Over 18s only will have access to this event
- Challenge 25 policy in place (ID check both on entrance and at the bar)

Section 4 of 9

LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises

([see also guidance on completing the form, note 6](#)):

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of regulated entertainment
- The provision of late night refreshment
- The giving of a late temporary event notice

([See also guidance on completing the form, note 7](#)).

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.

([See also guidance on completing the form, note 8](#)).

Continued from previous page...

Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

[\(see also guidance on completing the form, note 9\)](#)

Event start date / /
dd mm yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date / /
dd mm yyyy

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

Music 12:00 - 04:00 Bar 12:00 - 04:00
Saturday music will run from 12:00.

[\(see also guidance on completing the form, note 10\)](#)

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers

Note that the maximum number of people cannot exceed 499.

[\(see also guidance on completing the form, note 11\)](#)

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both

[\(see also guidance on completing the form, note 12\):](#)

- On the premises only
- Off the premises only
- Both

Section 5 of 9

RELEVANT ENTERTAINMENT [\(See also guidance on completing the form, note 13\)](#)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

We have a variety of acts coming to perform across 2 stages with all the sound systems being fitted with DSP amplifiers, digital mixers and monitored by sound engineers to allow us to adjust the sound levels to keep the volume within the recommended db level.

Timings of licensable activities are as follow;

Thursday:
Bar (4pm - 4am)

Continued from previous page...

Music (4pm - 4am)

Friday:

Bar (12pm - 4am)

Music (12pm - 4am)

Saturday:

Bar (12pm - 4am)

Music (12pm - 4am)

Section 6 of 9

PERSONAL LICENCE HOLDERS [\(See also guidance on completing the form, note 14\)](#)

Do you currently hold a valid personal licence? Yes No

Section 7 of 9

PREVIOUS TEMPORARY EVENT NOTICES [\(See also guidance on completing the form, note 15\)](#)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? Yes No

Have you already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before; or Yes No

b) Begins 24 hours or less after the event period proposed in this notice?

Section 8 of 9

ASSOCIATES AND BUSINESS COLLEAGUES [\(See also guidance on completing the form, note 16\)](#)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? Yes No

Continued from previous page...

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or
b) Begins 24 hours or less after the event period proposed in this notice?
- Yes No

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

Yes No

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or
b) Begins 24 hours or less after the event period proposed in this notice?
- Yes No

Section 9 of 9

CONDITION [\(See also guidance on completing the form, note 18\)](#)

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.
This formality requires a fixed fee of £21

DECLARATION [\(See also guidance on completing the form, note 19\)](#)

- * The information contained in this form is correct to the best of my knowledge and belief
 - * I understand that it is an offence:
 - * (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and
 - * (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both
- Ticking this box indicates you have read and understood the above declaration

Continued from previous page...

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name	<input type="text" value="REDACTED"/>
Capacity	<input type="text" value="Director"/>
* Date	<input type="text" value="REDACTED"/>

Full name	<input type="text" value="REDACTED"/>
* Capacity	<input type="text" value="Director"/>
* Date	<input type="text" value="REDACTED"/>
	<input type="text"/>

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
 2. Go back to <https://www.gov.uk/apply-for-a-licence/temporary-event-notice/lichfield/apply-1> to upload this file and continue with your application.
- Don't forget to make sure you have all your supporting documentation to hand.

OFFICE USE ONLY

Applicant reference number	<input type="text" value="Wibbly Woods Festival 2023"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

Tracy Caddy

From: Wibbly Woods <info@wibblywoods.com>
Sent: 07 June 2023 18:17
To: Jack Twomey; Generic - Licensing
Cc: james.finn@staffordshire.pnn.police.uk; licensinqhq@staffordshire.pnn.police.uk; Jennifer Whittle; Tracy Horton
Subject: Re: TEN 23/00639/LATENS Wibbly Woods Festival 2023

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Jack,

Thank you for your email.

We acknowledge that you have objected to our TEN that was submitted Monday 5th June 2023.

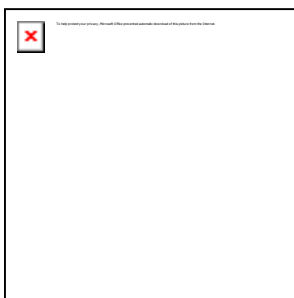
Whilst we appreciate your cause for concern, we strongly believe that our new noise management plan, which is to be implicated this year, will mitigate any noise complaints and adhere to the statutory code.

We are eager to engage and co-ordinate with the Council and other local authorities to ensure the festival takes place in the appropriate manner. Therefore, in order to illustrate to you our noise management plan, we propose a meeting with you to discuss further.

Please advise of a suitable date and location and we will revert.

Kind Regards,

Wibbly Team



Wibbly Woods
info@wibblywoods.com

[Facebook](#) / [Instagram](#)

Directors: **REDACTED**

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From: Jack Twomey <Jack.Twomey@lichfielddc.gov.uk>
Sent: 07 June 2023 17:22
To: Generic - Licensing <licensing@lichfielddc.gov.uk>
Cc: james.finn@staffordshire.pnn.police.uk <james.finn@staffordshire.pnn.police.uk>;
licensinghq@staffordshire.pnn.police.uk <licensinghq@staffordshire.pnn.police.uk>; Wibbly Woods
<info@wibblywoods.com>; Jennifer Whittle <Jennifer.Whittle@lichfielddc.gov.uk>
Subject: FW: TEN 23/00639/LATENS Wibbly Woods Festival 2023

Hello Licensing,

As a Responsible Authority I would like to object to this TEN on behalf of Environmental Protection on the grounds of Prevent of Public Nuisance.

The first Wibbly Woods event took place in 2021. We had concerns around noise given that it was just a few hundred metres from the nearest residents and there are many properties close enough to hear music at levels which are typical for such events, especially given that it finished at 4am and went over several nights. Having said this, it was the first event they had held so we did not object and instead monitored. It was noted when monitoring that the event was VERY loud and we subsequently received several complaints including one from Paskin Close, Fradley, which is 1.4 miles away as the crow flies. The original organiser of the event was told that any future TEN applications would be objected to on the basis of the noise levels at the first event.

For 2022 the event organiser applying for the event had changed to the current one, REDACTED of Wibbly Ltd., so it is accepted that perhaps the new applicant was unaware of the problems from 2021. Unfortunately due to an oversight within the Environmental Protection team, the objection to the 2022 event did not get copied to the event organiser and Police Licensing and as a result it was considered invalid. The event was therefore permitted to go ahead. Due to the problems from the previous year we served a Nuisance Abatement Notice on the organiser on the basis of "likelihood of nuisance". This Abatement Notice was not appealed.

I personally monitored the event throughout. Noise levels were as expected. It is very important to note that much of the problems with the noise from the music is not so much that it is audible, it's the time that it continues until (4am). Clearly many residents would accept an event which finished at, say, 11pm once per annum. To continue to 4am over several nights when the background noise level is much lower is the aspect that most have issue with. To illustrate the problem, I can say that on one night last year the music was audible in Elmhurst, some 1.6 miles from the event and at a level where the tune being played was identifiable. The residents exposed to the noise changed on different nights due to the wind direction. This did not prevent us from receiving complaints. Whilst I was of the opinion that the event breached the Nuisance Abatement Notice which had been served, it was not considered in the Public Interest to prosecute for an event which would not happen again (we hoped), together with the Legal weakness that we could have objected and prevented it but failed to do so properly. I had made it clear to the applicant that any future TEN applications would be objected to and had hoped this would have been listened to and the event moved to a more appropriate location or time. Clearly this has been ignored.

Of note is the "Code of Practice on Environmental Noise Control at Concerts". This is the go to Code in relation to events such as this one and its purpose is to give guidance on how disturbance or annoyance from such events can be minimised. The Code suggests noise limits for such events but what is particularly important is that these limits relate to the music noise level *up to* 11pm. Section 3.2 of the Code goes on to state "*For events continuing or held between the hours of 23:00 and 09:00 the music noise should **not be audible** within noise-sensitive premises with windows open in a typical manner for ventilation*". This clearly was not complied with and I am of the opinion that it *cannot* be complied with for an event such as this in this location and continuing to 4am.

It is of note that the same TEN application was received in April this year and we objected to that one too. A hearing had been arranged for that but the applicant withdrew their TEN application and the hearing was therefore cancelled. I have noted more recently that tickets appear to still be on sale and a Facebook page for the event was updated on 26th May and then again on 30th May. I am so concerned that a nuisance will be caused by this event that we have instructed Legal to look at an injunction to prevent it going ahead. The initial "letter before action" for

the injunction was sent to the applicants on the 21st May but to date I am unaware of any response from them to Legal. Certainly no response had been received by Monday 5th June.

Overall it is disappointing that the applicant has gone ahead with bookings and ticket sales for an event which they knew we would object to. It is also unusual to see another TEN application which appears to be an exact replica of the first one that was withdrawn just over a month ago. In any case we are still of the opinion that if this TEN is permitted, a nuisance caused by noise is almost guaranteed. We therefore ask that it is refused.

If you require further information please let me know.

Regards,

Jack Twomey

Environmental Protection and Housing Manager

Operations, Regulation & Enforcement

t: 01543 308734



From: Generic - Pollution Safety <pollution@lichfielddc.gov.uk>

Sent: 06 June 2023 08:42

To: Jack Twomey <Jack.Twomey@lichfielddc.gov.uk>; Jennifer Whittle <Jennifer.Whittle@lichfielddc.gov.uk>

Subject: FW: TEN 23/00639/LATENS Wibbly Woods Festival 2023

Importance: High

From: Generic - Licensing <licensing@lichfielddc.gov.uk>

Sent: 05 June 2023 16:59

To: licensinghq@staffordshire.pnn.police.uk; Generic - Pollution Safety <pollution@lichfielddc.gov.uk>

Subject: TEN 23/00639/LATENS Wibbly Woods Festival 2023

Importance: High

Dear Licensing Colleague,

Premises: Wibbly Woods Fradley Woods Gorse Lane WS13 8EN

Event/Dates: 27-30th July 2023

Please find attached a standard TEN for your scrutiny.

The last day for reps is 8th June 2023.

Kind regards

Carol Hames

Licensing Assistant (working days Mon- Wed 12.30)

Operations, Regulation & Enforcement

t: 01543 308073



The logo for Active District, featuring the word "Active" in a bold, sans-serif font above the word "DISTRICT" in a smaller, all-caps font. The text is white and set against a dark, curved background element.

BURNWOOD AND FRIARY GRAN LEISURE CENTRES

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For further general information about this and the way we use your information visit <https://www.lichfielddc.gov.uk/privacy>.

Tracy Caddy

From: Jack Twomey
Sent: 07 June 2023 21:17
To: Wibbly Woods; Generic - Licensing
Cc: james.finn@staffordshire.pnn.police.uk; licensingshq@staffordshire.pnn.police.uk; Jennifer Whittle; Tracy Horton
Subject: RE: TEN 23/00639/LATENS Wibbly Woods Festival 2023

Good evening,

Well to save time perhaps you can send through your noise management plan in the first instance. The objection still stands in the interim.

Regards,

Jack Twomey

Environmental Protection and Housing Manager

Operations, Regulation & Enforcement

t: 01543 308734



From: Wibbly Woods <info@wibblywoods.com>
Sent: 07 June 2023 18:17
To: Jack Twomey <Jack.Twomey@lichfielddc.gov.uk>; Generic - Licensing <licensing@lichfielddc.gov.uk>
Cc: james.finn@staffordshire.pnn.police.uk; licensingshq@staffordshire.pnn.police.uk; Jennifer Whittle <Jennifer.Whittle@lichfielddc.gov.uk>; Tracy Horton <Tracy.Horton@staffordshire.police.uk>
Subject: Re: TEN 23/00639/LATENS Wibbly Woods Festival 2023

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Dear Jack,

Thank you for your email.

We acknowledge that you have objected to our TEN that was submitted Monday 5th June 2023.

Whilst we appreciate your cause for concern, we strongly believe that our new noise management plan, which is to be implicated this year, will mitigate any noise complaints and adhere to the statutory code.

We are eager to engage and co-ordinate with the Council and other local authorities to ensure the festival takes place in the appropriate manner. Therefore, in order to illustrate to you our noise management plan, we propose a meeting with you to discuss further.

Please advise of a suitable date and location and we will revert.

Kind Regards,

Wibbly Team

Wibbly Woods

info@wibblywoods.com

[Facebook](#) / [Instagram](#)

REDACTED

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From: Jack Twomey <Jack.Twomey@lichfielddc.gov.uk>

Sent: 07 June 2023 17:22

To: Generic - Licensing <licensing@lichfielddc.gov.uk>

Cc: james.finn@staffordshire.pnn.police.uk <james.finn@staffordshire.pnn.police.uk>;
licensinghq@staffordshire.pnn.police.uk <licensinghq@staffordshire.pnn.police.uk>; Wibbly Woods
<info@wibblywoods.com>; Jennifer Whittle <Jennifer.Whittle@lichfielddc.gov.uk>

Subject: FW: TEN 23/00639/LATENS Wibbly Woods Festival 2023

Hello Licensing,

As a Responsible Authority I would like to object to this TEN on behalf of Environmental Protection on the grounds of Prevent of Public Nuisance.

The first Wibbly Woods event took place in 2021. We had concerns around noise given that it was just a few hundred metres from the nearest residents and there are many properties close enough to hear music at levels which are typical for such events, especially given that it finished at 4am and went over several nights. Having said this, it was the first event they had held so we did not object and instead monitored. It was noted when monitoring that the event was VERY loud and we subsequently received several complaints including one from Paskin Close,

Fradley, which is 1.4 miles away as the crow flies. The original organiser of the event was told that any future TEN applications would be objected to on the basis of the noise levels at the first event.

For 2022 the event organiser applying for the event had changed to the current one, of [REDACTED] Wibbly Ltd., so it is accepted that perhaps the new applicant was unaware of the problems from 2021. Unfortunately due to an oversight within the Environmental Protection team, the objection to the 2022 event did not get copied to the event organiser and Police Licensing and as a result it was considered invalid. The event was therefore permitted to go ahead. Due to the problems from the previous year we served a Nuisance Abatement Notice on the organiser on the basis of "likelihood of nuisance". This Abatement Notice was not appealed.

I personally monitored the event throughout. Noise levels were as expected. It is very important to note that much of the problems with the noise from the music is not so much that it is audible, it's the time that it continues until (4am). Clearly many residents would accept an event which finished at, say, 11pm once per annum. To continue to 4am over several nights when the background noise level is much lower is the aspect that most have issue with. To illustrate the problem, I can say that on one night last year the music was audible in Elmhurst, some 1.6 miles from the event and at a level where the tune being played was identifiable. The residents exposed to the noise changed on different nights due to the wind direction. This did not prevent us from receiving complaints. Whilst I was of the opinion that the event breached the Nuisance Abatement Notice which had been served, it was not considered in the Public Interest to prosecute for an event which would not happen again (we hoped), together with the Legal weakness that we could have objected and prevented it but failed to do so properly. I had made it clear to the applicant that any future TEN applications would be objected to and had hoped this would have been listened to and the event moved to a more appropriate location or time. Clearly this has been ignored.

Of note is the "Code of Practice on Environmental Noise Control at Concerts". This is the go to Code in relation to events such as this one and its purpose is to give guidance on how disturbance or annoyance from such events can be minimised. The Code suggests noise limits for such events but what is particularly important is that these limits relate to the music noise level *up to* 11pm. Section 3.2 of the Code goes on to state "*For events continuing or held between the hours of 23:00 and 09:00 the music noise should **not be audible** within noise-sensitive premises with windows open in a typical manner for ventilation*". This clearly was not complied with and I am of the opinion that it *cannot* be complied with for an event such as this in this location and continuing to 4am.

It is of note that the same TEN application was received in April this year and we objected to that one too. A hearing had been arranged for that but the applicant withdrew their TEN application and the hearing was therefore cancelled. I have noted more recently that tickets appear to still be on sale and a Facebook page for the event was updated on 26th May and then again on 30th May. I am so concerned that a nuisance will be caused by this event that we have instructed Legal to look at an injunction to prevent it going ahead. The initial "letter before action" for the injunction was sent to the applicants on the 21st May but to date I am unaware of any response from them to Legal. Certainly no response had been received by Monday 5th June.

Overall it is disappointing that the applicant has gone ahead with bookings and ticket sales for an event which they knew we would object to. It is also unusual to see another TEN application which appears to be an exact replica of the first one that was withdrawn just over a month ago. In any case we are still of the opinion that if this TEN is permitted, a nuisance caused by noise is almost guaranteed. We therefore ask that it is refused.

If you require further information please let me know.

Regards,

Jack Twomey

Environmental Protection and Housing Manager

Operations, Regulation & Enforcement

t: 01543 308734



From: Generic - Pollution Safety <pollution@lichfielddc.gov.uk>
Sent: 06 June 2023 08:42
To: Jack Twomey <Jack.Twomey@lichfielddc.gov.uk>; Jennifer Whittle <Jennifer.Whittle@lichfielddc.gov.uk>
Subject: FW: TEN 23/00639/LATENS Wibbly Woods Festival 2023
Importance: High

From: Generic - Licensing <licensing@lichfielddc.gov.uk>
Sent: 05 June 2023 16:59
To: licensinghq@staffordshire.pnn.police.uk; Generic - Pollution Safety <pollution@lichfielddc.gov.uk>
Subject: TEN 23/00639/LATENS Wibbly Woods Festival 2023
Importance: High

Dear Licensing Colleague,

Premises: Wibbly Woods Fradley Woods Gorse Lane WS13 8EN
Event/Dates: 27-30th July 2023

Please find attached a standard TEN for your scrutiny.

The last day for reps is 8th June 2023.

Kind regards

Carol Hames

Licensing Assistant (working days Mon- Wed 12.30)

Operations, Regulation & Enforcement

t: 01543 308073



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Tracy Caddy

From: Generic - Licensing
Sent: 08 June 2023 10:47
To: Wibbly Woods
Subject: TEN Wibbly Wood Festival 2023

Good morning Bertie

As you are aware Environmental Health have objected to your Temporary Event Notice, for an Event 27 – 30 July 2023, on the grounds of public nuisance.

When an objection is received the licensing authority must hold a hearing to consider the objection notice, unless all parties agree the hearing is unnecessary.

Colleagues in the Governance team will contact you with details.

Meanwhile, if you have any questions, please contact the licensing team.

Kind regards

Tracy

Tracy Caddy (she/her)

Licensing Officer (normal working days Tues – Fri)

Operations, Regulation & Enforcement

t: 01543 308066 | m: 07811 241272



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LICENSING AND CONSENTS APPEALS COMMITTEE

Further Information

- Copies of the representations received are enclosed with the Licensing Authority's report and made available to the Licensing and Consents Appeals Committee
- You are entitled to attend the meeting if you wish. You may also be assisted or accompanied by another person. You are also entitled to be represented by any person whether or not they are legally qualified.
- You will have the opportunity to address the Licensing and Consents Appeals Committee and will be able to question any other party.
- The Legal Adviser present to aid the Committee may question any party or approved representative to ensure that the hearing is conducted fairly and to clarify any matter arising.
- Please note that if you do not attend, the Licensing and Consents Appeals Committee may still consider the matter in your absence. However the Licensing and Consents Appeals Committee will still consider any application or representations that you have made at the meeting.
- The Licensing and Consents Appeals Committee has the right to exclude any person who is being disruptive although they may be permitted to return on specified conditions. However, if they had been entitled to provide information verbally to the hearing, they will still retain the right to provide that information in writing.
- The enclosed Procedure will be the one followed at the Committee hearing.

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**PROCEDURE TO BE FOLLOWED FOR CONSIDERATION OF
APPLICATIONS FOR PREMISES OR PERSONAL LICENSES
HAVING REGARD TO THE LICENSING ACT 2003**

(The Licensing Act 2003 (Hearings) Regulations 2005 require that a hearing shall take the form of a discussion led by the Authority and generally cross examination shall not be permitted. The procedure set out below is designed to give some structure to the Hearing and all parties should be aware that the hearing could continue in the absence of the applicant if they fail to attend or fulfil their obligations to the Licensing authority.)

1. The Chairman will introduce the Members of the Sub-Committee and invite those present at each hearing to introduce themselves.
2. The Chairman will ask those present if they are aware of and understand the Procedure to be followed. No additional representations to that already submitted can be considered.
3. The Senior Licensing Officer will present the application and report. May change depending on who attends committee
4. The Applicant will present his/her application and may comment on any representations made.
5. The Sub-Committee may ask questions of the Applicant through the Chair.
6. Responsible authorities will then be allowed to make their representations in respect of the application.
7. The Sub-Committee may ask questions of the responsible authorities through the Chair
8. Other Persons who have made written representations will then be allowed to make their representations in respect of the application.
9. The Sub-Committee may ask questions of the other persons through the Chair.
10. Finally, the Applicant or his representative can make a short closing speech.
11. All parties will then withdraw to allow the Sub-Committee to consider the case. When a decision is made all parties will return and be told the decision and reasons for that decision by the Chairman of the Sub-Committee. Written notice of the decision will follow.

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