

Public Document Pack

Ask for Will Stevenson
Email William.Stevenson@lichfielddc.gov.uk



District Council House, Frog Lane
Lichfield, Staffordshire WS13 6YU

Customer Services 01543 308000
Direct Line 01543 308199

Wednesday, 28 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 **THURSDAY, 13TH JULY, 2023 at 10.30 AM IN THE COUNCIL CHAMBER** District Council House, Lichfield to consider the following business.

Access to the Council Chamber is via the Members' Entrance.

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 B Yeates, Salter and Checkland



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MyStaffs App

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: 13 July 2023
 Agenda Item:
 Contact Officer: Lorraine Chapman/Tracy Caddy
 Tel Number: 01543 308755/01543 308066
 Email: [Lorraine.chapman@lichfielddc.gov.uk/](mailto:Lorraine.chapman@lichfielddc.gov.uk)
tracy.caddy@lichfielddc.gov.uk
 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 – 00:00 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 28 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 – 00:00 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**
- 3.4 A copy of TEN was served on the responsible authorities, namely Staffordshire Police and Environmental Health, via email on 29 June 2023. A copy is attached at **Appendix B**.

- 3.5 A letter of acknowledgment of the TEN was sent via email 29 June 2023. A copy is attached at **Appendix C**.
- 3.6 On 4 July 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 issues experienced by residents during this festival in 2021 & 2022. Objection is attached at **Appendix D**.
- 3.6 Details of the procedure, following an objection, were sent via email to the applicant on 5 July 2023. Copy attached at **Appendix E**.

Alternative Options	<ol style="list-style-type: none"> 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. 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. It should be noted that no conditions can be attached to the TEN. The TEN can be modified, but only with the agreement of all relevant parties.
Consultation	<ol style="list-style-type: none"> A copy of the Notice was served on both Staffordshire Police & Environmental Health The objection was sent to the premises user and Staffordshire Police
Financial Implications	<ol style="list-style-type: none"> The fees for a TEN are payable on submission. They are not refundable. If the application is refused, or granted with conditions, the applicant has the right of appeal to the Magistrates Court against the decision. 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
Legal Implications	<ol style="list-style-type: none"> If the application is refused, or granted with conditions, the applicant has the right of appeal to the Magistrates Court against the decision. 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. The committee will have legal advice at the meeting.
Approved by Monitoring Officer	Yes
Contribution to the Delivery of the Strategic Plan	<ol style="list-style-type: none"> 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

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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	Bertie	
* Family name	Benson	
* E-mail	[REDACTED]	
Main telephone number	[REDACTED]	Include country code.
Other telephone number	[REDACTED]	
<input type="checkbox"/> Indicate here if you would prefer not to be contacted by telephone		
<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	- [REDACTED]	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

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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?

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.

- Yes No

E-mail	<input type="text"/>
Telephone number	<input type="text"/>
Other telephone number	<input type="text"/>

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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?

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.

- Yes No

* Building number or name	<input type="text" value="Fradley Wood"/>
* Street	<input type="text" value="Gorse Lane"/>
District	<input type="text" value="Lichfield"/>
* City or town	<input type="text" value="Fradley"/>
County or administrative area	<input type="text" value="Staffordshire"/>
* Postcode	<input type="text" value="WS13 8EN"/>
* Country	<input type="text" value="United Kingdom"/>

* 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)

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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 - 00:00 Bar 12:00 - 00:00
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

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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 - 12am)

Continued from previous page...

Music (4pm - 12am)

Friday:

Bar (12pm - 12am)

Music (12pm - 12am)

Saturday:

Bar (12pm - 12am)

Music (12pm - 12am)

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

Do you currently hold a valid personal licence? Yes No

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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?

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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

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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

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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="Bertie Benson"/>
* Capacity	<input type="text" value="Director"/>
* Date	<input type="text" value="dd mm yyyy"/>

Full name	<input type="text" value="Otto Williams"/>
* Capacity	<input type="text" value="Director"/>
* Date	<input type="text" value="dd mm yyyy"/>
	<input type="button" value="Remove this signatory"/>

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"/>

Victoria McKenzie

From: Generic - Licensing
Sent: 29 June 2023 09:40
To: Generic - Pollution Safety (Pollution@lichfielddc.gov.uk);
licensinghq@staffordshire.pnn.police.uk
Subject: Wibbly Woods TEN 23/00752/LATENS
Attachments: App.pdf

Dear Licensing Colleague,

Premises: Wibbly Woods Festival 2023

Address: Land at Fradley Woods

Please find attached a standard TEN for your scrutiny.

The last day for reps is 4/7/2023.

Kind regards



Victoria Mckenzie

Licensing Assistant

Operations, Regulation & Enforcement

t: 01543 308735



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Your ref
Our ref 23/00752/LATENS
Ask for Victoria McKenzie
Email licensing@lichfielddc.gov.uk



District Council House, Frog Lane
Lichfield, Staffordshire WS13 6YZ

Direct Line 01543 308073
Customer Services 01543 308000

7 July 2023

Dear Sir/Madam,

Licensing Act 2003 - Receipt of standard Temporary Event Notice (TEN)
Premises: Wibbly Woods Festival 2023, Land At Fradley Woods Gorse Lane Fradley Lichfield
Staffordshire WS13 8EN
Date of Event: 27 July 2023 - 30 July 2023

I acknowledge receipt of your temporary event notice for the above event. Please keep a copy of this letter with your copy of the notice. The Authority is no longer required to send you an endorsed copy of the notice.

Unless the TEN has been sent electronically it must also be sent to the Police and Environmental Health. If a TEN has been sent electronically the Licensing Authority must notify the Police and Environmental Health.

Police or Environmental Health objection to TEN

If the Police or Environmental Health believe that allowing the Premises to be used in accordance with the TEN will undermine the Licensing Objectives, they must give the premises User and all relevant parties an objection Notice. The Police and Environmental Health have a period of three working days from when they are given the notice to object. Where a Standard TEN has been given the Licensing Authority must consider the objection at a hearing before a Counter Notice can be issued.

If you do not receive written notice of objection, the licensable activities will be deemed to be authorised.

Withdrawal of TEN

A temporary event notice may be withdrawn by the premises user by giving the Licensing Authority written notice to that effect no later than 24 hours before the beginning of the event period specified in the TEN.

If you have any enquiries about this TEN, please do not hesitate to contact us.

Yours faithfully





Temporary Event Notice – FPN

Data Protection – what you need to know:

Data Controller

Lichfield District Council of the District Council House, Frog Lane, Lichfield Staffs WS13 (telephone number 01543 308000) is what is known as the ‘controller’ of your personal data.

Data Protection Officer

Our ‘Data Protection Officer’ can be contacted at the address and via the number given above.

Purpose of processing

As an organisation we process your personal data to enable us assess whether we are able to accept your notice; to seek views of certain responsible authorities and to issue the notice where no representations are made or to determine the notice where representations are made.

Legal basis

Our legal basis for processing your personal data will be either that it is necessary to do so to perform a task carried out in the public interest or it is the exercise of official authority by us.

Recipients

We will share your information with officers within environmental health and Staffordshire Police. If the matter is contentious we may share your information with other officers employed by the Council and elected members.

General

If you wish to submit a temporary event notice you must by law provide the information on the notice to us. If you do not we will not be able to process your notice.

Retention

We will store your information until such time as the notice relates.

Your rights -in brief

If we process your personal data you may, depending on your circumstances have a right of access to it; to correct inaccurate information; to restrict our processing of it or to have your personal data erased. If you wish to exercise a right please contact a member of the licensing team at licensing@lichfielddc.gov.uk, 01543 308735, District Council House, Frog Lane, Lichfield, WS13 6YU.

Complaints

Please speak to a member of the licensing team initially or our Data Protection Officer but if you have any concerns about the way we have processed your personal information then you can



contact the Information Commissioner. They can be contacted at Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF <https://ico.org.uk/concerns/>



Tracy Caddy

From: Jack Twomey
Sent: 04 July 2023 17:01
To: Generic - Licensing
Cc: Jennifer Whittle; Wibbly Woods; licensinghq@staffordshire.pnn.police.uk
Subject: FW: FW: Wibbly Woods TEN 23/00752/LATENS
Attachments: App.pdf

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.

To give some recent history to this TEN it should be noted that:

- Wibbly Woods submitted a TEN application which came to Environmental Protection for consultation on 14th April 2023 for this same event (though with a 4am end time). I objected to this on 18th April and prior to a Licensing hearing going ahead, Wibbly Woods withdrew the application.
- Wibbly Woods then submitted a TEN application which came to us on 5th June, and which I objected to on 7th June (with 4am finish). That led to a Licensing hearing which took place on 16th June, in which the applicant failed to persuade the panel that the event could go ahead without impacting on the Licensing Objective of "Prevention of Public Nuisance" and no TEN was issued.
- Wibbly Woods then appealed the Licensing Panel decision to the Magistrate Court, and that hearing took place this morning. The Court agreed with the decision of the Licensing Panel and no TEN has been issued.
- Just prior to the Magistrates court hearing, last week, Wibbly Woods submitted this TEN application with the only apparent change being a move from a 4am finish on the three nights to a midnight finish.

There now follows a further history to this event.

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, Bertie Benson of Wibbly Ltd. 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 and still stands.

I personally monitored the event throughout. Noise levels were as expected. 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. The next working day following the event we received complaints from Wychnor (2.6 miles away) and Alrewas (2.4 miles away). 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 particular concern in relation to this TEN 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 beyond 11pm. I don’t know the reasoning why the applicant still wants to continue beyond 11pm but clearly my main concern for this TEN is the noise in this hour to midnight.

At the previous Licensing Hearing, much was made of the Bearded Theory Festival in Catton Park continuing into the early hours. I can now confirm that following consultation with South Derbyshire District Council, who licence that event, that the main stage does indeed close at 11pm and other music continuing after that is conditioned so as to be inaudible at sensitive receptors. This raises the issue of location – Catton Park has a few nearby residents that agree to the events by being compensated in some way. This then ensures that the nearest receptors are considerably further from the event than those for Wibbly Woods, hence they can comply with the inaudibility condition.

Another point of note is that the Wibbly Woods Noise Management Plan states that the music level will be at 110dB, 25m from the sound source. This is extremely loud and at a level where hearing damage can occur. In fact, the management plan also states that hearing protection is available for staff and customers should they wish, in order to comply with Health and Safety requirements. Using the accepted acoustic estimation method of a 6dB reduction per doubling of distance means at this level the noise at the nearest receptors who have confirmed to me that they do not agree to the event would be around 80dB. That would even exceed the level in the Code of Practice before 11pm. It is likely that the background noise level in the area is around 40dB at midnight so even if it was quieter than 80dB, it would have to be an extremely significant reduction to reach inaudibility levels.

Following the Magistrates hearing today, in order to be reasonable in spite of the application still going for 1 hour beyond the time the Code of Practice suggests inaudibility, I went to the Kingfisher Caravan park and spoke to the owner about their views on a midnight finish. Obviously whilst I object, I didn’t want to assume this would be the view of other residents. He has since emailed Licensing and objects strongly to the event on behalf of around 300 residents there. He said the previous events have had a great impact on caravans as the structures do not have very good sound insulation properties. He also advised that people come there for peace and quiet and have been so upset by the noise they have left the park in the early hours of the morning and travelled home in order to be able to sleep. Finally he highlights the negative impact on his business of this event being allowed to continue. All of this sounds reasonable bearing in mind what I witnessed at last year’s event. We had 7 complaints in 2021 and 5 in 2022, though the caravan site owner said he represented many of his residents.

Overall it is disappointing that the applicant has gone ahead with bookings and ticket sales for an event which they knew in December last year that we would object to. Whilst the move to a midnight finish on each night is of course preferable to 4am, I have concerns about noise between 11pm and midnight as well as concerns around the ability of the applicants to control noise from the remainder of their site such as the camping area. I have no evidence to support it but it has been suggested that last year music continued beyond 4am and this has been suggested as a possible source.

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: 29 June 2023 10:04

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

Subject: FW: Wibbly Woods TEN 23/00752/LATENS

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

Sent: 29 June 2023 09:40

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

Subject: Wibbly Woods TEN 23/00752/LATENS

Dear Licensing Colleague,

Premises: Wibbly Woods Festival 2023

Address: Land at Fradley Woods

Please find attached a standard TEN for your scrutiny.

The last day for reps is 4/7/2023.

Kind regards



Victoria Mckenzie

Licensing Assistant

Operations, Regulation & Enforcement

t: 01543 308735

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Tracy Caddy

From: Generic - Licensing
Sent: 05 July 2023 09:37
To: Wibbly Woods
Cc: Jack Twomey; licensingshq@staffordshire.pnn.police.uk
Subject: TEN - Wibbly Woods Festival 2023 23/00752/LATENS

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 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 TEMPORARY EVENT NOTICES 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 Chair will introduce the Members of the Sub-Committee and invite those present at each hearing to introduce themselves.
2. The Chair 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. Responsible authorities will then be allowed to make their representations in respect of the application.
5. The Sub-Committee may ask questions of the responsible authorities through the Chair
6. The Applicant or their representative will present their application and may comment on any representations made.
7. The Sub-Committee may ask questions of the Applicant / representative through the Chair.
8. Finally, the Applicant or their representative can make a short closing speech.
9. 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 Chair of the Sub-Committee. Written notice of the decision will follow.

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