

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
LICENSING SUB-COMMITTEE
MONDAY, 6 FEBRUARY 2006 AT 2.00 P.M.
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK
PART 1

PRESENT: Councillors

Butler, R.D. (Chairman)
Allen, F.W.C. Carr, I.R.

Applicant: The Forestry Commission

Representatives for the Applicant: Mr. D. Barrow – Forestry Commission Management Team
Mr. I. Hickman – Forest District Manager
Mr. A. Semple – Planning Forrester

Objectors:

Mrs. E. Adams	Miss J. Jukes
Mrs. J.A. Arduino	Mr. G. Marklew
A. Bengier	Mrs. M.O. Price
Mrs. A.G. Bishop	Mr. G. Redshaw
Clive Blick	Mrs. N. Redshaw
David Clarkeson	Mrs. L.J.W. Simkin
Mr. D.G. Coach	Mr. P.J. Simkin
Mr. P. Fellows	Mr. A. Simpson representing Mrs. S. Simpson
Mrs. B. Freeman	Mrs. J. Trott
Mr. P. Gethin	Mr. L. Wallace
Mrs. P. Gethin	Mrs. J. Wootton
W.D. Holdcroft	Mr. Zazulak
Mrs. C.A. Idiens	Mrs. Zazulak
Mr. D.L. Idiens	

Also Present: Mrs. P. Williams representing Mrs. L.J.W. Simkin
Councillor B. Williams representing Mrs. J.A. Arduino

Solicitor Advising Committee: Mr. S. Tour

Committee Officers: Mr. M. Challoner
Mrs. W. Rowe

Licensing Authority: Mr. S. Shilvock

Responsible Authority Representative: PC M. Burgher – Chase Licensing Unit, Staffs. Police

19. Appointment of Chairman

Councillor R.D. Butler was appointed Chairman of the Sub-Committee.

20. Apologies and Reconstitution of Membership

The Chairman reported that Councillor J. Burnett had been substituted by Councillor I.R. Carr.

21. Licensing Act 2003: Application for a Premises Licence – Forestry Commission, Forest Concert Tour, England

Consideration was given to the Report of the Head of Environmental Health (Enclosure 4.1 – 4.236 of the Official Minutes of the Council).

The Chairman reported that a letter of objection had been received from Mr. Pratt and had been included as part of the report of the Head of Environmental Health. Mr. Pratt's letter had been included in error due to his property falling outside of the "vicinity" of the application site. The Chairman also indicated that a further letter of objection had been received from a Mr. Wiggington, which had been omitted from the Report, but had been circulated to the applicant prior to the hearing. The applicant's representatives indicated that they had no objections to these letters being included for consideration as part of the application.

Mr. S. Shilvock, the Officer representing the Licensing Authority, presented the Report of the Head of Environmental Health. He reported that the application for a Premises Licence had been made by the applicant on 12 December 2005. The proposed licensable activities were the provision of live music and recorded music, entertainment of a similar description to that falling within making music or dancing and the supply of alcohol. The premises was an open recreational space at Lady Hill, Birches Valley, Rugeley and the proposed opening hours were between 1800 and 2300 hours on 2 or 3 evenings per year for concerts in June or July.

Mr. Shilvock stated that there had been no representations received from the Responsible Authorities. He confirmed that 94 letters of representation had been made by local residents and these were contained within the report at Annex 3. The representations objected on the grounds that the Licensing objectives of prevention of public nuisance, prevention of crime and disorder, ensuring public safety and the protection of children from harm would not be achieved.

Mr. Shilvock then referred to Enclosure 4.2 – 4.4 of the report and explained in detail how the applicant intended to promote the Licensing Objectives.

Members were advised that the applicant had reached agreement with Staffordshire Police with regard to the Operating Schedule, insofar as the Operating Schedule was to be agreed to the satisfaction of the Police Events Co-ordinator and Police Licensing Officer at least one month prior to the event taking place. Furthermore, the applicant had reached agreement with the Council's Environmental Protection Section and matters of noise control, monitoring locations, site layout and orientation and liaison had been defined and agreed.

The objectors to the application, the applicant's representatives and Members of the Sub-Committee were afforded the opportunity to ask questions of clarity of the Officer of the Licensing Authority.

Mrs. P. Williams representing Mrs. Simkin (an objector) sought clarification as to whether all security staff and stewards would be required to undertake a Criminal Records Bureau (CRB) check.

The Officer representing the Licensing Authority advised that the Security Industry Authority (SIA) was the regulating body that dealt with security functions. The (SIA) stipulates that all stewards or security staff should be registered with the (SIA), have an appropriate qualification and have a CRB check prior to being issued a licence.

The applicant's representatives were then afforded the opportunity of putting forward the case. They stated that the Forest Concert Tour had been taking place for the last 6 years at other forests throughout the country and very few incidents had occurred. The Cannock Chase Forest site was a new site included in the Tour and the applicant's representatives indicated that the location of the proposed concert had been cleared as part of the Forestry Commission's Forest Design Plan. He outlined the licensable activities to take place over two days during the year in June/July.

The applicant's representatives advised that no objections had been received from any of the Responsible Authorities. An agreement had been reached with Staffordshire Police to meet one month prior to the event and the applicant would implement any conditions required by Staffordshire Police. Furthermore, the applicant was happy for the application to be reviewed on an annual basis and would implement any recommendations from the Police on any future events held at the site.

The objectors to the application and Members of the Committee were afforded the opportunity to ask questions of clarity of the applicant's representatives.

An objector sought clarification regarding whether any of the Forestry Commissions previous concerts were so close to an urban conurbation. The applicant's representatives advised that the site was the only site on the Tour that was close to a residential area.

In response to a question regarding parking facilities the applicant's representatives advised that entrance would be by ticket only and the allocated pay and display car park would close to the public at 4.00 p.m. Permit holders would be allowed to park up until 4.00 p.m. and this would be advertised in advance.

With regard to a question concerning the security of the site, the applicant's representatives stated that there would be 4-6 (SIA) registered staff to control the perimeter of the site. No camping would be allowed and it was anticipated that those attending the event would use local bed and breakfast accommodation or local camp sites should they stay for both evenings.

The objectors sought clarification with regard to the clearance of the land. The applicant's representatives stated that the plot of land had not specifically been cleared for the concert and that it had been part of the Forest Design Plan developed 4 years ago.

A number of objectors expressed concern regarding gatecrashers. The applicant's representatives advised that at previous events not many people had attempted to gain access without a ticket.

An issue regarding by-laws restricting the playing of musical instruments on the Chase was raised by an objector and the applicant's representatives advised that as the landowner, the Forestry Commission were not restricted by the by-laws preventing the playing of musical instruments.

In response to further questions by objectors the applicant's representatives stated that there were no other sites on the Tour situated in an Area of Outstanding Natural Beauty (AONB) and the revenue from the concert would be re-invested on Cannock Chase.

Responding to an objector's question regarding entry to the site and the proposals to deal with those under the influence of alcohol, the applicant's representatives advised that there was a clear entry policy and bar guidelines relating to those under the influence of drink.

An objector sought clarification regarding the erection of a steel fence around the perimeter of the site and the applicant's representatives confirmed that a temporary steel fence would be erected.

Councillor Butler sought clarification regarding the agreement of the Operating Schedule by Staffordshire Police. The applicant's representatives advised that the number of Police Officers for the event would be agreed between the applicant and the Police and the applicant would agree to any conditions imposed by the Police as part of the Operating Schedule.

Councillor Allen expressed concern regarding risks associated with fire, particularly with people smoking and the likelihood of the site being vulnerable to fires due to dry weather over the summer months. The applicant's representatives stated that procedures existed for dealing with the possibility of a fire at the site.

At this point in the proceedings the representative from Staffordshire Police clarified that an agreement had been reached with the applicant to meet with the Police one month prior to the event to agree the Operating Schedule. The applicant had agreed to implement any conditions imposed by the Police and for an annual review of the application to take place. Furthermore, the applicant would implement any Police recommendations on any future events held at the site.

The nominated representatives for the objectors were then afforded the opportunity of putting forward the case for the objectors. The applicant's representatives and Members of the Sub-Committee were given the opportunity of asking questions of clarity after each of the nominated representatives had presented their case.

Mrs. Price submitted that none of the other concerts on the Tour were in an AONB. She had concern relating to the siting of the concert on an AONB close to a residential area and that the event would spoil the public's enjoyment of the land. She suggested that there was a lack of planning by the Forestry Commission whose reason for staging the event was for monetary gain and there would be no benefit to the community. She expressed concern relating to the safety of forest users as a result of mountain bikers and the attraction of 2000 vehicles which would cause problems relating to access and erosion of the site in wet

weather. The proposed additional road into the site would also be detrimental to the area. There would be a disturbance to the animals and wildlife and to residents in the surrounding area. She had concern regarding problems of litter and the risk of fire. She stated that the Council and the Forestry Commission had a duty of care to preserve the area and the event would not enhance the AONB.

The applicant's representatives responded to the submissions made by Mrs. Price advising that concerts had been held at Shugborough with no detriment to wildlife. The mountain bike trails had been developed to draw cyclists away from other areas of Cannock Chase. The expected number of vehicles would not exceed 1,500 and the new additional road was approximately 25m long. There would also be staff responsible for clearing the litter at the site and there was a protocol for dealing with risks associated with fires.

Mrs. June Jukes from the Friends of Cannock Chase submitted that the Chase should remain a site for wildlife and that the concert was inappropriate. The month of June was a vulnerable time for wildlife and she argued that animals and birds would be distressed as a result of loud music. Domestic animals such as horses would also be distressed due to the event. She had concern that any litter left over would cause problems to the wildlife, should they attempt to swallow it. Concerns regarding the traffic infrastructure were also mentioned, along with the concern of glass causing a fire hazard. She considered that there were other venues more suitable and stated that the countryside and its creatures should be respected.

The applicant's representatives responded to the submissions made by Mrs. Jukes advising that no glass or cans would be allowed into the site. There would be security patrols in conjunction with the Police before, during and after the event. The site had been considered the most appropriate due to its location with wildlife and there would be an attempt to reduce vehicle speeds.

Mrs. B. Freeman submitted that there was concern in the competence of the application and the management of the event as the application was not specific for Cannock Chase and contained a number of errors. With regard to public safety, an independent risk assessment had not been undertaken regarding the fire risk, particularly with regard to people smoking and the dryness of the area. The presence of a high pressure gas supply pipeline running along the eastern boundary of the proposed arena had not been referred to in the application and had not been the subject of a risk assessment. There was concern for the safety of the public due to the slope of the site and the possibility of falls or crushing injuries. The safety of the public in the local community was mentioned due to the close proximity of residents to the site, in terms of danger and nuisance to the community before, during and after the event. There was also concern regarding the disturbance to wildlife, animals and horses.

In closing, she suggested the event lacked detailed planning and expertise, was not designed for a site so close to residents and the AONB, lacked risk assessments and showed no consideration for the community.

The applicant's representatives responded to the submissions made by Mrs. Freeman stating that the Fire Authority had raised no concern regarding the risk of fire. With regard to the gas supply pipe, the applicant's representatives indicated that they had met with Transco and had agreed to install a concrete block above the gas pipeline.

In response to a question from Councillor Butler the applicant's representative confirmed that the gas pipeline was 3 ft. underground.

Mrs. P. Williams, speaking on behalf of Mrs. Simkin (an objector), submitted that she objected on the grounds of public nuisance and questioned the lack of experience of the Designated Premises Supervisor. She stated that all the proposed licensable activities were requested between the hours of 1800 and 2300 hours and stated that it would not be possible to vacate the premises by 2300 hours if recorded music and the sale and consumption of alcohol was allowed until 2300 hours. She had concern with regard to the prevention of crime and disorder and considered there was an insufficient ratio of security staff to attendees. With regard to the protection of children from harm she had concern regarding underage drinking and drug taking.

The applicant's representatives responded to the submissions made by Mrs. Williams stating that the Designated Premises Supervisor had 4 years experience. The bar would close fifteen minutes before the end of the last act. He stated that the premises should be vacated by 2300 hours and the public would continue to vacate the car parking area but he did not consider the car park area to be part of the licensed premises.

Councillor Butler questioned how staff would control the public entering the site and what measures would be in place to prevent people taking in drinks they had hidden in their vehicles. The applicant responded by saying that it was a ticket only event and that the public would park their vehicles and walk through to the arena area. The security staff would check to ensure this was happening and that no alcohol or illegal substances would be brought onto the site.

Councillor Allen expressed concern that tickets for the event were already on sale on the internet. The applicant explained that tickets were on sale but had been sold subject to the grant of the licence.

Mr. G. Redshaw made his submissions stating that he objected on the grounds of public nuisance due to the proximity of residential buildings. The nearest property was 200m away and the village was 800m away. The issue of fire risk was raised along with the issue of noise from both the music at the event and from the public leaving the premises. He expressed concern that car parking would overflow into the village. He stated that the site was unsuitable as it was too close to the residential area.

The applicant's representatives responded to the submissions made by Mr. Redshaw stating that consideration had been given to noise when choosing the acts. The Environmental Protection Section had not objected and they would agree and set the noise levels for the concerts. Should the agreed noise levels be consistently breached action was likely to be taken. He stated that there were no properties within 300m of the site. With regard to traffic he considered there was adequate parking on the site and, in conjunction with the Police, the main roads surrounding the site would be designated using traffic cones. The villages would be patrolled during the evenings and the RAC had been requested to provide directional signs to the site.

Mr. Len Wallace made his submissions stating that he had concern regarding parking and traffic. The roads around the area would not be adequate to allow traffic to filter to and from the site. He considered there would be traffic problems in Rugeley, Hednesford and Cannock on the evenings of the concert. The residents had concern with regard to parking in the village and to drug taking and drinking.

The applicant's representatives responded to the submissions made by Mr. Wallace stating that Stewards would be directing traffic off the site. RAC directional signs had been requested and traffic cones would be placed in the surrounding area to control illegal parking. Experience during the last 6 years showed that the events do not encourage drug users.

In response to a question from the Chairman regarding the amount of car parking spaces available, the applicant stated that there were 1,555 allocated car parking spaces in the arena area and there were 400 additional spaces at an alternative car park should this be required.

At this point in the proceedings the meeting adjourned for 15 minutes.

On the meeting reconvening, Mrs. Williams sought clarification with regards to the car park not forming part of the licensed premises. The Council's Legal Advisor advised that the car park did not form part of the licensed premises due to the fact that car parking was not a licensable activity. The applicant's representatives indicated that in order to clarify the situation they would wish to seek a variation of the application to the opening hours from 2300 hours to 12 midnight.

Mr. Marklew made his submissions stating that with regard to noise, although it had been agreed that the speakers would be facing away from the houses there would be 4,500 people singing and clapping towards the houses. He was concerned that there would be drinking outside of the perimeter of the arena. He sought clarification of the sound levels set by the Environmental Protection Section and questioned whether the music would be turned down if it exceeded the set level. He stated that the crowd noise that was not able to be turned down. Furthermore, he sought clarification of the number and location of the sound recording monitors and asked if the sound levels were exceeded on the first night, would the second night be cancelled.

The applicant's representatives responded to the submissions made by Mr. Marklew advising that they would work within the sound levels agreed by the Environmental Protection Section. The agreed noise level was 65 decibels and that should these levels be exceeded the applicant would be in breach of the application. Environmental Protection staff would be on the site monitoring the sound during the event and there would be 3 sound monitoring points which would be located at set locations at the site. However, these monitors would be moved to different locations throughout the night.

The Officer representing the Licensing Authority confirmed that noise levels would be recorded on a 15-minute time weighted average. If the sound level exceeded the set limit a number of times, Environmental Protection would consider the number of occasions that the limit was exceeded and by how much before determining whether the concert was causing a nuisance.

The Chairman then asked whether any of the other objectors wished to add anything further to what had been submitted by the nominated representatives of the objectors.

An objector added that she had concern regarding the horses that were located near to the site and stated that the noise of the crowd and the music would cause them distress.

On behalf of the Licensing Authority, Mr. Shilvock summed up and clarified the situation regarding noise. He stated that should the licence be granted and noise became a nuisance, the applicant would be in breach of the conditions of the licence. A review of the licence could then be undertaken. The Environmental Protection Section had a policy relating to noise control and would assess if a statutory nuisance existed.

The applicants representatives summed up by asking the Sub-Committee to support the application. They stated that the Responsible Authorities including Staffordshire Police, the Fire Authority and Environmental Protection had not objected to the application. They had confirmed they would adhere to the conditions imposed by Staffordshire Police. If the licence was granted, they would work with the residents to allay their fears.

On behalf of the objectors, Mr. D. Idiens and Mr. P. Simkin summed up the objectors' case. Mr. Idiens highlighted the lack of consultation from the Forestry Commission with residents regarding the proposed event. Residents had various concerns regarding the proposed licence and the effect the event would have on animals and the AONB. The Forestry Commission had not reassured residents. There had been 3,000 tickets sold for the event prior to a licence being granted. There was concern that the Forestry Commission could not control the event and risk associated with fire and the high pressure gas supply remained a concern.

Mr. Simkin stated that the application did not reflect the circumstances of the Cannock Chase AONB. The impact on the community and the residents had been ignored and he considered the application should be rejected.

The Sub-Committee then deliberated in private.

The Sub-Committee having considered all the papers and listened carefully to all the representations that had been made by all the parties attending the hearing and having taken into account legal advice provided by the Council's Legal Advisor:-

RESOLVED:

That the application for a premises licence be refused.

Reasons for the Decision

In accordance with the Council's Licensing Policy the Sub-Committee recognised that it had to balance between the benefits for the community of a licensed venue and its activities and the risk of disturbance to local residents.

The Sub-Committee took into account the Licensing Act 2003 and the Section 182 Statutory Guidance issued by the Secretary of State.

The Sub-Committee noted it needed to carry out its functions under the Licensing Act 2003 with a view to promoting the Licensing Objectives; and furthermore, took account of the Human Rights Act 1998.

In considering the evidence the Sub-Committee gave the application careful consideration and had regard to all the representations made by all parties.

The Sub-Committee noted that there had been no objections to the application from Responsible Authorities.

The Sub-Committee further noted that the applicant had agreed to implement any recommendations made by Staffordshire Police.

However, the Sub-Committee recognised that Cannock Chase was unique and like each application, it must consider it in its own right and in the context of the application.

The Sub-Committee had regard to the local infrastructure which was relevant to the promotion of the licensing objectives of Public Safety and the Prevention of Public Nuisance.

The Sub-Committee was of the view that the Applicant has not been able to promote the licensing objective of Public Safety for the following reasons:-

1. There was no satisfactory policy to ensure that safe dispersal of attendees once they vacate the site.
2. The substantial increase in traffic flow that would inevitably occur would increase the risk to pedestrians and other road users to an unacceptable level.
3. The concert may increase fire risks.
4. There was a real risk that animals around the vicinity of the concert could become unduly alarmed resulting in them seeking to escape. This could include animals accessing the local roads, thereby posing a clear safety risk for road users.

The Sub-Committee is further of the view that the licensing objective of preventing public nuisance could not be achieved for the following reasons:-

1. The concert would increase traffic levels significantly. There are no major roads around the area that are able to satisfactorily cater for the anticipated volume of traffic.
2. The noise and pollution likely to be generated by such increased traffic was not acceptable.

Appeals

The Applicant or interested parties have a right to appeal to Magistrates' Court under Section 181 of the Licensing Act 2003.

The appeal must be commenced by notice of appeal within the period of 21 days beginning with the day on which the Application was notified by the Licensing Authority of the decision appealed against.

CHAIRMAN