

WESTERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 30 APRIL 2019 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE IN RESPECT OF AN APPLICATION FOR A REVIEW OF A PREMISES LICENCE - STOWFORD FARM, FARLEIGH ROAD, WINGFIELD, TROWBRIDGE

Present:

Cllr Allison Bucknell, Cllr Peter Hutton and Cllr Stewart Palmen

Also Present:

Wiltshire Council Officers

Mrs Carla Adkins (Public Protection Officer – Licensing)
Mrs Esther Bisgrove (Solicitor)
Miss Teresa Bray (Public Protection Officer – Licensing)
Mrs Linda Holland (Review Applicant - Licensing Authority)
Mrs Sarah Marshall (Senior Legal Adviser)
Mrs Lisa Pullin (Democratic Services Officer)
Mrs Jenny Thomson (Public Protection Manager – Food & Safety)

Premises Licence Holders on behalf of NR Events Limited

Mr Ian Lucas
Mr Nick Reed
Mr Euan Barker

Others in attendance

Mrs Julie Anderson-Hill (Head of Service – Waste & Environment and Culture and Operational Change)
Mr Jim Brewster (Democratic Services Officer)
Mr Kevin Fielding (Democratic Services Officer)
Mrs Julia Hystek (Press)
Cllr Peter Evans (Substitute)

1 **Election of Chairman**

Nominations for a Chairman of the Licensing Sub Committee were sought and it was

Resolved:

To elect Councillor Peter Hutton as Chairman for this meeting only.

2 **Apologies for Absence/Substitutions**

There were no apologies. Councillor Allison Bucknell had to leave the meeting just prior to 1.00pm (after the determination of the decision had been made) and Councillor Peter Evans was the substitute member in her place whilst the decision was then relayed to all parties.

3 **Procedure for the Meeting**

The Chairman explained the procedure to be followed at the hearing, as contained within the "Wiltshire Licensing Committee Procedural Rules for the Hearing of Licensing Act 2003 Applications" (Pages 5 – 11 of the Agenda refers).

4 **Chairman's Announcements**

The Chairman gave details of the exits to be used in the event of an emergency.

5 **Declarations of Interest**

Councillor Peter Hutton declared that he is currently a Wiltshire Council representative who sits on the Dorset and Wiltshire Fire Authority but has had no prior involvement with any aspects of this review or any matters relating to this review so far as the Fire Authority are concerned.

6 **Licensing Application**

Application by Wiltshire Council Licensing Authority for a Review of a Premises Licence in respect of Trowbridge Festival, Stowford Manor Farm, Farleigh Road, Wingfield, Trowbridge

Miss Teresa Bray (Public Protection Officer – Licensing) presented her report which outlined the licensing objectives and the options the Sub Committee could take to meet these objectives. The history of the premises licence and the current licence was described alongside the grounds for its review. Miss Bray advised that one relevant representation had been received from Jenny Thomson on behalf of Wiltshire Council Public Protection Food and Safety Team.

Key points raised by Mrs Linda Holland, Designated Officer for Wiltshire Council Licensing Authority (Review Applicant), were:

- It is Wiltshire Council's expectation and wish to have events and festivals taking place that offer what the patrons require in relation to their diversity and audience engagement, however this must always be within a safe environment as is reasonably practicable for organisers to deliver;
- The Licensing Authority feel and will demonstrate why they felt that the Trowbridge Festival fell short of their responsibilities to ensure public safety and appropriate compliance at the event held over 19 to 23 July 2018 ('the 2018 Festival'). Whilst there was an Event Management Plan (EMP) in place for this event, the festival management did not pay heed to this legal document and did not have a robust management structure in place;
- The Premises Licence granted on 1 July 2018 has minimal conditions (other than the required mandatory conditions). The Public Safety condition (under Annex 2b) was not complied with as the event was not managed in compliance with the EMP and so this was a breach of the condition of the licence. This led to significant concerns in relation to public safety and the ability of those on site to manage any occurrence/incident;
- During the site visits that were carried out by officers in 2018 it was evident that a substantive number of points within the EMP were not complied – it was not clear as to whether this was a disregard for their EMP, or ill prepared and overwhelmed organisers along with a catalogue of errors:
- The Licensing Authority were concerned to note that there were plans to proceed with a 2019 Trowbridge Festival ('the 2019 Festival') – notwithstanding the evident disagreement between the two directors of Trowbridge Festival Limited. There had been no discussions prior to the Council's submission of the review application, as to how the organisers planned to address the failings that arose with the 2018 Festival.;
- The Licensing Authority feels that a six-month lead in time for an event of this scale is not unreasonable and would suggest that it is necessary to ensure all the infrastructure and personnel requirements are agreed and in place for any event;
- The Licensing Authority took the view that it was by luck rather than judgement, that no serious incidents took place at the event last year;
- The transfer of the Premises Licence to NR Events Ltd does not alleviate the concerns of the Licensing Authority. The transfer was to a company with at that time a sole director (Nick Reed) who was one of the directors from the previous company Trowbridge Festival Limited and the authority could see no evidence of directional change;

- The calling of a review of a Premises Licence is a rare occurrence – but holding a licence for any event includes: promoting the licensing objectives - not forgetting about the objectives or ignoring the objectives to concentrate on the nice parts of the organisation of the festival or event; and
- An application was received by the Licensing Authority on 28th May 2018 for a new festival at Stowford Farm, Wingfield with the event to be called Trowbridge Festival, there has been reference made to a Village Pump which has happened previously on this site, but this is a new event with new organisers.

Mrs Carla Adkins (Public Protection Officer – Licensing) was called as a witness on behalf of Wiltshire Council Licensing Authority to outline her first meeting with the event organisers and the rationale behind calling an Event Safety Advisory Group (ESAG). Mrs Adkins highlighted the following points;

- When we receive an application for a festival we complete an ESAG trigger form which scores the possible risks for public safety that there may be for any event. Because of the site's proximity to the road and river, the scores on the trigger form were high and an ESAG meeting was requested to the Licensing Manager. This would bring together the organisers of the event and all the Responsible Authorities to discuss the EMP and seek to put in place the measures needed to run a safe and successful event;
- I was asked by Mr Nick Reed to attend the site so that he could explain the event and show me what was planned etc. As I had to check that the official blue notices were correctly displayed at the site I agreed to this meeting on 30 May 2018; and
- Whilst on site on 30 May and Mr Reed gave me a copy of the plan of the site and I expressed concern that the area he was proposing for the cars/caravans/tents would not fit them all. I advised him to measure the field so that he would have an idea of capacity and what numbers would fit on site. I also asked Mr Reed about the "blue" route and how emergency vehicles would be able to get on and off site. A proactive approach was required to ensure the event could take place safely and avoid public nuisance. Mr Reed agreed to look at this. I advised him that an ESAG meeting had been requested and that the ESAG was a multi-agency non-statutory advisory group to enable organisers to work with authorities and the emergency services and he would have the chance to consider my concerns I had raised with him today before that meeting.

Mrs Linda Holland, Designated Officer for Wiltshire Council Licensing Authority (Review Applicant), then continued with her submission to the Sub Committee:

- The initial ESAG meeting with the organisers took place on 14 June 2018 which was only some 4 weeks prior to the event (due 19-23 July 2018). The reason this meeting was held so close to the event was because the Licensing Authority had only received an engagement with the organisers and the engagement had only commenced on 28 May 2018. Normally ESAG meetings are held months in advance of any event to ensure the organiser has time to take on board any advice or guidance given by Responsible Authorities;
- At the ESAG meeting we were advised that the plans were to bring back the family orientated music festival to its original site and they also considered the verbal submissions of the event organisers and the version of the EMP that was submitted for the meeting. You will note from the minutes of the ESAG (pages 141-145 of the Agenda pack) that there were a lot of questions from the Responsible Authorities and clear action points were highlighted with advice given to assist with the proactive management and risk of the event;
- The organisers were advised that events are for them to manage and deliver - it's not for the Responsible Authorities to take control of;
- At the time of the event in 2018 the ground was already tinder dry and the daily temperatures were extremely hot for England – the licensing authority would expect an organiser to be prepared for all expected weather conditions, whether this is extreme heat or wet/inclement weather.
- Normally an event/festival would only receive one visit from the Licensing Authority and occasionally from other Responsible Authorities, but this was not the case in relation to the Trowbridge Festival which required four site visits with the Licensing Team accompanied by a number of Agencies and Officers.

Mrs Carla Adkins (Public Protection Officer – Licensing) was called as a witness on behalf of Wiltshire Council Licensing Authority to outline the site visits that she carried out on 18, 19, 20 and 21 July 2018. Mrs Adkins highlighted in her evidence the following;

- I refer to my site visit notes (pages 149-152 of the Agenda pack). On Wednesday 18 July which was the day before the site was due to open to the public, I arrived at 1.30pm and met with Mr Nick Reed and Mr Colin Peel who walked me around the site. The crew had already set up camp in field one which was a mix of campervans, tents and vehicles. I was advised that disposable BBQ's would be used for cooking and I asked how these would be disposed of (bearing in mind that disposable BBQ's are not permitted at this festival) and at first, I was told that they would be put in the hedge and then that they would be thrown in a skip. I

noted that the site signage had not been put up and that there was a narrow path which would lead to the overflow parking field which was very dry. I was concerned that this would be very dangerous if a lit cigarette for example was dropped and that there appeared to be no lighting for a path that went along the river. I expressed my concerns to the organisers – particularly the use of disposable BBQ's, that the live-in vehicles, tents and cars were too close to each other and that the site did not appear to be ready in respect of signage and lighting etc;

- Following the site visit I contacted Mrs Linda Holland (Licensing Manager) and Mr Fred Nutley (Public Protection Officer – Health and Safety) to express my concerns, particularly about fire risk and we agreed that I should contact the Dorset and Wiltshire Fire and Rescue Service Fire Officer. It was agreed that we would all meet on site on Thursday 19 July at 2.30pm, but this was subsequently changed to 11am in view of the fact that the site was due to open to the public from 12 noon;
- On Thursday 19 July myself, Mrs Holland and Mr Rob Wallbridge (Fire Safety Inspector – Dorset & Wiltshire Fire and Rescue Service) met at the event site at 11am. Mr Wallbridge gave advice to the organisers about fire breaks. We noted that the public were on site before we arrived, and more were coming in whilst we were there (before 12 noon). Mr Peel appeared to be very stressed and the public/staff appeared to be confused as to where they should be pitching. Not all the stewards were on site – and not all stewards we spoke to had received a briefing – it was very chaotic;
- We also noted that there was no medical or fire provision. Mr Reed was unable to confirm when the arena was open to the public but said that they would be able to use the bar facilities. There was no road signage in place and Mr Peel said that this was because our visit was holding him up. As Mr Peel's demeanour was becoming aggressive we agreed we would let him carry on and find him later;
- On Friday 20 July myself and Mr Fred Nutley (Public Protection Officer – Health and Safety) noted that the signage on approach to the site had now been erected. We arrived on site at 10.15am and asked where the site office was and were told it was the ticket office. We noted that the ford was still open with no fencing – due to the hot weather the water in the ford would contain high levels of bacteria and we asked again for this to be fenced off;
- We were then approached by Mr Ian Lucas who had been asked by the event organisers the previous evening to take charge of the site as Mr Peel and Mr Reed had lost control of the site. We were advised that the road signs had only arrived on Friday and that more signs were due to be

erected and that the field across the road would be used as additional parking (this was not part of the original proposed site of the event);

- We carried on to the site office/ticket office and asked how many were on site and how many tickets had been sold. The EMP stated that 500 were expected to attend the event. We were told by Ms Jean Chatfield that 784 tickets had been sold so far. Mr Nutley asked about a log book and how many staff were on site. Ms Chatfield was unable to help with this and advised that Mr Reed and Mr Peel were dealing with staff. We felt that the management team did not know what was going on in relation to numbers and who was in charge of what;
- We then went to look at the campsite and noted that tents, cars, caravans and campervans were all mixed in together. The firefighting provision in the camping area consisted of less than half a plastic bucket of water and half a plastic bucket of sand. We advised Mr Lucas that the water and sand was insufficient, and he advised again that the field across the road would be used as parking and would be set up with a SIA either side of the road to assist with crossing and it would be lit. We noted that there was no drinking water or standpipe in an extra field that was being used for camping (not part of the EMP);
- We walked back to the swimming field and noted there were people in the river. When we returned to the path which had a sign saying 'no swimming' we noted there were no buckets here.
- In the second field we spoke to the cadets on Gate 2 to ask how many more people would be let into the field. They said that only about 3 more 2-man tents could fit in and that a new field was being prepared for campers, but they did not know when this would be ready;
- We then went back to the arena and spoke to the SIA staff (provided by Themis Security) and Mr Lucas and asked again about the logbook. Security informed us that someone called John was keeping a log of incidents on his laptop. We were told it was in the process of being created (11.55am) but this should have been set up when the crew were on site. We asked about the medical provision and we told that they were en route (11.55am). Mr King (Head of Themis Security) reported that he and his team were first aid qualified and could stand in, however we noted that there were no first aid kit/provisions;
- When we left the site, we noted that there was no signage to let people know there was a festival on or the need to slow down on the Bath to Trowbridge side of the road;
- We spoke to Ian Lucas about the lack of water in the third field and he said he was going to move people out of the field into another (field) and

I asked him 'are you sure' and people have pitched and settled in. Mr Lucas then said ok, maybe not.

- On Saturday 21 July 2018 myself, Mrs Holland and Mrs Jenny Thomson (Public Protection Manager – Food and Safety) arrived at the site at 8.45pm and parked in new day parking field which was an extremely dry maize field. Cars were parked in an orderly fashion and another field had been set up for camping (in addition to what was stated in the EMP). The fire provision was ½ bucket of water and sand. A water point was noted and lighting columns. High viz vests were being used but clothing for security was black trousers/t-shirts. We were assisted across the road by SIA staff and walked into the barn. No one was performing in there at that time and Mrs Thomson noted that there were holes in the floor by the fire exit;
- We then walked into the arena – no one was checking wristbands or entry into the arena from the ford side. We noted that a number of cars were parked in the arena. A sink that had needed to be connected to pipes still had not been connected and waste was still discharging onto the floor (*Mrs Thomson clarified that the means to connect the pipe up for waste to be taken away was there it just still had not been connected despite being raised on previous site visits*). More camper vans were arriving (into fields 1, 2 and 3) and there was still no water provision.

Mrs Linda Holland, Designated Officer for Wiltshire Council Licensing Authority (Review Applicant), then continued with her submission to the Sub Committee:

- I refer you to the points raised by Mr Wallbridge (Fire Safety Inspector) which was written confirmation of his concerns following his site visit on 19 July (page 153 of Agenda pack). I would say that it is rare for us to get a Fire Authority representative to attend a site visit and following this up in writing. We were concerned that he had to highlight issues to the event organisers on day 3 of their event and that in some cases still there was no adequate fire provision available;
- Following on from the site visits and the engagement at the event with the organisers a decision was taken by Officers to call an ESAG Debrief meeting, these are rare, and the authority usually only hold 1 or 2 of these a year. This meeting was held on 10 August 2018 and the notes which outline the seriousness of the concerns of the agencies can be found at pages 177 to 180 of the agenda pack;
- The Fire Authority were invited to the ESAG Debrief and in response emailed Responsible Authorities on 24 July (page 157 of the Agenda pack). From this you will see that following their issues and concerns at the 2018 event, they stated that unless they were fully satisfied that the failings would not be replicated at any future event, the Fire Authority would formally object to any future event taking place. On page 161 of

the Agenda pack you will see the expected firefighting provision for the event and the notes from Officers stating that there was no firefighting provision on site on 19 July 2018 (although customers and crew were both on site) and that sand and water were added but no fire extinguishers were present until 21 July 2018;

- The document on pages 159 – 167 was sent out prior to the ESAG Debrief meeting and it itemises the failures to comply with the EMP;
- Notably some of these were the failure to have a clear event HQ/main site office where records are collated, and actions controlled from. We found that there was poor management on site as the two site directors were in conflict – it was not clear who was in charge and both seemed to be working against each other with who was making decisions and what would have happened in an emergency;
- It took a long time to get hazardous areas fenced off and there was concern that caterers were accessing the water from the ford and then cooking (with lots of animal faecal matter visible);
- Medical provision was not clearly visible. When Officers did eventually find the medic on site we found it was one person sat in a grey vehicle (there should have been a minimum of 2 medics on site);
- The blue route (for emergency vehicles) was compromised, by the parking of vehicles and placing of tents/ caravans adjacent or egressing into the route;
- Mixed camping and parking witnessed which increases the fire hazard as there were incorrect fire separations, which would aid the spread of fire if one were to break out;
- Warning signage coming from the Bath direction about the festival was non-existent to warn on going traffic;
- The security logs presented at the ESAG debrief meeting (page 193 of the Agenda pack) were incorrectly dated – the event was from 19 July 2018 and they hold little information and actions taken;
- These concerns/failures together paint a picture of an event where the organisers were totally unprepared for what happened or didn't prepare adequately. The risk to the attendees was totally unacceptable and all matters were within the realms of the organisers to have sorted before the first person attended on site; There was no sign of a clear HQ. The photographs show the areas of non-compliance critical to the planning of and opening of the arena and site from the beginning. The event was more popular than the organisers had allowed for. The key is public

safety. The organisers were either unprepared or prepared inadequately. There was a risk of serious harm to attendees, let alone the staff on site. What would have happened in an emergency I do not know.

- The drone footage on pages 181 – 191 of the Agenda pack was submitted by the organisers at the ESAG debrief;
- The ESAG Debrief meeting was held on 10 August 2018 which is for organisers to walk through the event and give reasons why decisions were taken and for organisers to understand the level of concern of the authorities for the event and to emphasise the importance of planning for the event. However, we get to March 2019 before the Local Authority have any meaningful engagement with the festival organisers. On submission of the review application I was asked by NR Events Ltd to meet with Mr Reed and Mr Lucas. At this meeting I outlined the Local Authorities concerns and expectations and was advised by them that they were seeking changes to this year's event. To date nothing has been submitted formally or in writing and we have only received the document that has been presented to the hearing (Agenda Supplements 1 and 2);
- I advised Mr Reed and Mr Luas that a new EMP would be required, and a draft would need to be produced as soon as possible as time was of the essence, to allow it to be circulated to the Responsible Authorities. I see from the documents that they have submitted for the hearing that there was a suggestion that I would wish to delay this until after the hearing. I do not believe this to be the case as this would serve no purpose as the proposed changes could have alleviated some of the concerns the Responsible Authorities have;
- The Licensing Authority considers that the Licence Holder has failed to promote the licensing objectives of public safety, and that standards of management at the festival in 2018 were well below that, which are expected of a licence holder putting on a safe and secure event in Wiltshire;
- The Licence Holders have demonstrated their failure to understand the importance of good planning and confirming the site was ready, prior opening to the public raises, serious concerns with the Licensing Authority;
- There was little or no understanding initially of the expectations of the Responsible Authorities regarding matters to be addressed and the need for urgency to sort issues out, rather a belligerence toward the Licensing Officers for getting in the way;

- The management witnessed was poor and there was no comprehension of the structure needed to run even a small-scale event, hence Mr Lucas' sudden involvement;
- Whilst recognising there have been changes made the confidence has been eroded and similar failings/issues must not be permitted to happen;
- There is nothing within the two documents supplied by the organisers (Agenda Supplements 1 and 2) that address the overarching concerns of the Licensing Authority, around management, risk management and reliance on one individual;
- Whilst the organisers have recognised the failings of last year, it wasn't just about two individuals - there were many other individuals on site who could have addressed the issues at an early point;
- The Licensing Authority was presented with various versions of a detailed EMP for the 2018 event, but this is no good if the organisers have no means to comply or willingness to ensure public safety is at the front of the event rather than an afterthought with all concentration being on the arena and artists than on the patrons and their safety;
- To date no revised EMP has been produced to support any changes that may be taking place. The Premises Licence was granted subject to the EMP being approved by the Licensing Authority and as such that will not be the case if the same one is submitted without significant amendments;
- The Licensing Authority therefore has no confidence that the festival organisers will comply with any further conditions or amendments to their licence and believes there are no further steps that could be taken, apart from revocation of the Premises Licence.

Questions were asked of Mrs Holland (Review Applicant) by the Sub Committee members as follows:

Q To clarify – a relevant representation in support of the review application has only been received by the Wiltshire Council Public Safety Team – no other Responsible Authorities have made a representation?

A Yes that is correct.

Q An application for a Premises Licence was received on 28 May 2018 for an event to be held in July 2018?

A Yes.

Q The ESAG Debrief meeting was held on 10 August 2018 – have you heard from the event organisers since that date?

A We only heard from the event organisers in relation to the transfer of the Premises Licence.

Q There has been no discussion or reference to any of the points raised at the ESAG Debrief?

A No.

The Premises Licence holder did not have any questions for the Review Applicant (Mrs Holland).

Key points raised by Mrs Jenny Thomson (Public Protection Manager – Food and Safety, Wiltshire Council) who had made a relevant representation were:

- I was formerly an Environmental Health Officer and have a background in festival safety. I am familiar with the Stowford Farm site and was aware of the Fringe Festival on this site and when it moved to Westbury;
- I take no pleasure in making this representation which identifies a catalogue of failings in respect of public safety. Fortunately, as far as we are aware these did not result in actual harm, but they had significant potential to do so and it was apparent that there was huge reliance on one individual to step in to try to resolve matters;
- The submissions made by the festival organisers in Agenda Supplement 1 make reference to the discord between the organisers, however any event relies on a team to pull it off and lack of cohesion between teams are likely to be as much of a failing;
- All the matters of concern identified by the Responsible Authorities could and should have been foreseen. The detailed EMP implied an awareness of potential hazards and risks but in reality, it appeared that these were words on paper and there was a failure to implement the necessary controls. In my view there was huge reliance on the past of experience of Mr Lucas who was brought in to try and salvage the situation;
- The Sub Committee have received my representation on pages 199-200 of the Agenda pack which is a list of the failings I am aware of and the notes and photographs provided by Mrs Adkins illustrate the matters of concern very well;
- In respect of the submissions made by the Licence Holders in Agenda Supplements 1 and 2, they now appear to fully acknowledge the failings. However, I remain concerned that the proposed management structure places huge emphasis again on the abilities and decision making of Mr Lucas. I feel that the organisers need to recognise that they need a very

clear strategic management team who are able to take a strategic overview both during set up, the event and breakdown - I would suggest a gold, silver and bronze command structure for example;

- I have worked with Mr Lucas at past Village Pump events on this Stowford site and I know he is very capable, but he does tend to run himself ragged as an active participant, taking personal responsibility for resolution of issues;
- I also have a concern that many of the named persons in the Agenda Supplement 2 were also involved in last year's festival and were named in the 2018 EMP. I feel that there must be a collective responsibility for what happened last year;
- We recognise that the Licence Holders wish to recreate this well-loved festival in its original setting, but it must be recognised that before moving to Westbury, the site, organisation and infrastructure had eventually grown significantly larger than it is now, and that part of the Festival was operated on land over the border into Mendip District Council area;
- There have always been Local Authority concerns about the access from the busy main road, the public safety and health concerns involving the river and the possibility of flood; and
- The level of input is indicative of the very real concern we have about this festival's operation. It would be unusual for the Food & Safety Team Manager to attend a site visit these days for an event of this size but having had prior knowledge of the site and previous festivals there I wanted to see for myself the matters that had been flagged up to me by Licensing and Safety colleagues.

There were no questions for Mrs Thomson by the Sub Committee or any parties to the hearing.

The Premises Licence Holders were then given the opportunity to address the Sub Committee. Mr Nick Reed (Director of NR Events), Mr Ian Lucas (Director of NR Events and Chair) and Mr Euan Baker (Bar Manager) were present at the meeting.

Mr Lucas in his evidence highlighted the following below:

- The Trowbridge Festival finished in 2011 and came to an end at the Stowford site, it then moved to Westbury and I was not involved. Last year it was decided that it would return to Trowbridge and I was called in to help. We got through the event. We accept there were issues and things were not as I would have organised them, there were

inexperienced teams involved but I got them through the 2018 event, did what I could and fortunately there were no injuries;

- We did go quiet after the 2018 event and we asked Mr Colin Peel to move away from the festival and we set up the new company NR Events Ltd. For quickness we set up with Mr Nick Reed as sole director and then got others on board. We needed people with experience. Some people have come out of retirement to help us and we have secured additional land on the same side of the road at the Stowford site as we recognised that we needed to make more provision;
- We acknowledge that the Event Management Plan is a live document that is fundamental to the event and it is ready for production following the outcome of today. I fully understand the document as I wrote it. At the 2018 event the EMP was based on previous plans and had been cut and pasted. We will ensure that there is full training for all staff and stewards on the implications of the EMP.

Mr Nick Reed then addressed the Sub Committee and, in his evidence, highlighted the following:

- The new company (NR Events Ltd) was set up and we were fully aware of the accountability;
- There has been a complete overhaul of the ticketing system. Our customers will have to purchase a tent pass and a vehicle pass so that we know what is due to come onto the site. By using the additional land, we can safely manage the entering process of the festival;
- Last year the numbers expected were based on previous experience and we had originally anticipated that we would apply for a Temporary Event Notice, but we sold more tickets, there was no control and people just descended onto the ground. We realised we would have to apply for a Premises Licence;
- I have been involved in Festivals for many years. We only expected 300 attendees (i.e. low numbers) which is why the application came in late.
- This year we will ensure that none of the blue routes are blocked. We have added a field for parking and pitches will be allocated sizes that have been measured out. Day tickets for the event will only go on sale if there are any left. We are now able to monitor the tickets sales as live data (live reporting of numbers) and we can halt ticket sales if needed as a failsafe;

- Ian is working on the EMP and is ready to submit – we had said that we would submit before the next ESAG meeting, but a date for this had not been fixed in light of this review hearing;
- Changes from last year means there will be a site Headquarters this time. The foundation of the festival is to plan all contingencies. Extra jobs roles have been brought in and we have experienced people coming back in to help us. We have increased the crew to deal with the pitches; here will be staff training via an online system which will be in relation to the EMP and they will have to sign acceptance of the EMP before they arrive on site.

Mr Ian Lucas then addressed the Sub Committee and, in his evidence, highlighted the following:

- There was confusion last year with security and the control of the Headquarters. The EMP will contain the site headquarters contact with job roles including a site manager and more experienced people will also be named in the new EMP.
- When I have previously run the event, I had used fire extinguishers – not buckets of sand and I did not understand why buckets of sand had been used. Extinguishers would be available at this year's event;
- We admit we were not prepared for water provision last year and had to get standpipes for the extra patrons;
- Fairleigh Hungerford swimming club is a private swimming club and some differences of opinion had arisen concerning the use of the swimming field
- We are aware that a 3rd party were advertising the 2019 event as being for 2000 people and this is certainly not the case – we have contacted them in relation to this.

Questions were asked of the Premises Licence Holders by the Sub Committee members:

Q Thank you for recognising that there were issues last year, I am concerned about your lack of engagement, staff training and managerial ability and the capacity numbers for the event. Different maximum attendance numbers have been mentioned "700", could get "2000". Could you confirm your maximum numbers?

A We will limit numbers to 800 based on our EMP and we will know how many tickets holders are on site.

Q How do you intend to manage people that just turn up on the day?

A If we don't have any day tickets available to sell we will use social media to communicate this. If we reach capacity, we will have to turn people away and say the Festival is full on social media. If we work to that number (800) we will need provision for security and toilets for that numbers, so we will need to be able to redirect people away.

Q Do you accept that you need to know your numbers so that you can "manage" the event at a certain level?

A Yes. We have local cadets – Air Cadets - who help us with the car parking of our customers and we have paid Stewards and SIA Security staff to also assist.

Q You said you had managed to run a safe event historically.

A Prior to last year's event yes it was.

Q When the festival was previously held on this site as the Trowbridge Pump, how many people used to attend?

A 5000 but that site also used Mendip land.

Mrs Jenny Thomson (Public Protection Manager) clarified that previously the licensable area had also gone over in the land covered by Mendip District Council.

Q So you are used to dealing with a festival of 5000 people?

A Yes, I have experience with dealing with 5000.

Q When did you start to sell tickets for the 2019 event?

A On the date that the request to transfer the Premises Licence was submitted.

Q You decided to sell tickets even though you have not submitted a revised EMP for agreement by the Responsible Authorities?

A We had drafted the EMP and we were working on it.

Q My concern is that you have sold tickets for an event before agreement on the EMP, bearing in mind the serious issues that were raised at the 2018 event with unprecedented Officer site visits, a damning ESAG De-brief and you were extremely lucky that nothing bad happened last year. If we revoke this Premises Licence this Local Authority will get it in the neck for the event being cancelled but it is our duty to ensure a safe

event, but you have done nothing until now to tell us how you are going to achieve this.

A I had two informal conversations with Carla (one of the Licensing Officers).

Q The transfer of the licence from one person to another is irrelevant – it is about addressing the very serious points raised by the fire service, about how badly run the previous year's event was but you still went ahead without authority from the fire service or the blue lights (emergency services).

A We felt we were moving away from the Trowbridge Festival to a new experience.

Q From the August debrief to now you have not sought to formally rectify the issues apart from a document for the review hearing. The online training system is in the management plan but you have not agreed the EMP yet.

A Will go hand in hand as soon as we get the EMP signed

Q You have mentioned an on-line training system – how will this work?

A We have worked to progress the staff training this year and as soon as the EMP is signed off we can roll this training out to staff as a package.

Q How do you check they have received the training?

A We will check our records and if our staff have not completed the training they will not be able to start their shift working for us. We have James our tech guy who is in charge of training who is working on this and there will be iPads on site on the day if anyone hasn't already done the training.

Q If someone turns up without training and you have insufficient numbers (of staff) what will you do?

A I will have tablets (ipads) on site.

Q How many staff and volunteers were there last year? How many people can buy a ticket?

A 800. There will be 100 crew and stage management and air cadets. There will be 700 saleable tickets to purchase, 100 tickets will be given free to stewards to use when they are not working and 100 for staff and crew – so 900.

- Q How will you manage if all 700 tickets are sold before the event – will you sell more?
- A No – we will not be selling day tickets if all tickets are sold out and we will use signage to indicate that the camp is full.
- Q If you staff have not completed their training before they are due to start work on the day, I would not recommend that they complete it on the day.
- A We will encourage all training to be completed before the event and only mop up training will be needed.
- Q Will adequate provision of water/standpipes and fire extinguishers be factored in the EMP?
- A I cannot understand why fire extinguishers were not used last year but they will be this year.
- Q Is this all booked?
- A Yes.
- Q Without EMP words how do we know that fire extinguishers will be in place? Have you got them all as there is not much time. How much time is spent on safety aspects of this event and not just the bands?
- A Since the Festival last year we did it between ourselves. The booking of bands is different from this (safety aspects). Mr Reed deals with the bands and I focus on the operation and site build.
- Q What is the capacity of the event – you said about 800 – is this plus crew?
- A Mr Lucas said it will be 800 plus crew (the crew will be less than 100).
- Q You detail in the documents you have submitted (Agenda Supplements 1 and 2) the team structure, but what is the size of the teams/roles, how many will there be? We need the EMP in good time and you need to ensure clear signage. These are the numbers which will appear in the revised EMP? How many people will be on site? The EMP needs a timeline and it is difficult to evaluate this?
- A We have brought in an Operations and Site man and he will schedule in all the jobs so that we know what needs to be done and this will be in the EMP.
- Q So the scheduling will be in the EMP?

Q On page 141- the numbers last year were 600 plus volunteers. How many volunteers will be on site compared to last year? There seems to be grey areas of capacity – how many people can buy a ticket?

A 800 – there will be 100 stewards, 700 saleable tickets, 100 crew/stage managers/air cadets and artists so a total of 900.

Q No – more than 700, that is your limit. How will you manage if all 700 tickets are sold before the event – will you sell more?

A We will not be selling day tickets if all the tickets are sold out and we will use signage to indicate that the camp is full.

Q So the road signage will say camp is full.

Q If your staff have not completed their training before they are due to start work on the day, I would not recommend that they complete it on the day.

A We will encourage all training to be completed before the event and only mop up training will be needed.

Questions were asked of Premises Licence Holders by Mrs Thomson (Public Protection Manager - Responsible Authority);

Q I am concerned that experienced team members from last year are returning. There is a collective responsibility here as a number of named people were involved last year. How many of the team are new for this year? It seems 9 – 10 were involved last year.

A Will is coming back, Jerry is back. We have a car park and campsite manager – we didn't have this last year. Site operations were not involved last year.

Q Are we looking at a sea change – lots of these names were in the EMP last year and should have been responsible as you are for last year. I am not confident.

A The car parking and operations were not involved in last year's festival. Both have experienced dealing with Stowford at 5000 capacity.

Q In the event something happens – what is the strategic command?

A The Duty Manager and Senior Manager. Mr Reed plus Mr Lucas who is strategic.

Q Are you confident you have a strategic command system, and everyone knows what is expected of them?

A Yes

Q Within your ticket capacity, have you considered the pitch size?

A We have measured the provision for large and small pitch sizes.

Q The de-brief gave clear direction about recognition of what the event intends to be – a small contained festival or is it a festival that you want to grow? Need clarity of what it intends to be.

A A reunion festival.

Q It is a venue and event which people have enjoyed in the past. Absolute clarity is needed on scale and scope - what it intends to become because it is a limited capacity site.

Q Are you clear you have addressed all the issues from the Council and the Fire authority?

A Sub Committee Member asked the Premises Licence Holders the following question:

Q Can you confidently say that you can address all the issues raised by the Responsible Authorities?

A Yes.

Question asked of Premises Licence Holders by Mrs Holland (Review Applicant – Licensing Authority);

Q Have you measured the site and are confident it will all fit?

A Yes. Caravans and motorhomes in land at the bottom will have facilities

Q The access to the arena through the swing field to the arena - so the whole area will be fenced again?

A Yes and lighting.

Q The site was not big enough and there is no clarity on numbers.

A Sub Committee member reported that the festival website said that all large pitches had now sold out.

Q You need to recognise what the event intends to be and have clarity about its scale and scope. Is it a small event or a festival to grow?

A We see this as a reunion event and we accept that we need to be clear.

Q Disappointing that the sale of tickets went ahead. I enjoyed reading your documents (Agenda Supplements 1 and 2), however they do not fill me with confidence.

Mrs Holland (Review Applicant - Licensing Authority) made the following points in summation:

- The Licensing Authority has outlined the history of the last year's event and serious failings that have led us to this point, including the reasons why the authority fully believes that the licence should be revoked due to the failings of the organisers to deliver a safe and secure event, breaching the licence and not promoting the objective of public safety;
- We are now in the same position we were in last year, just one month earlier. Advice was given to the organisers and not heeded. An EMP was produced last year but not complied with;
- Whilst recognising the changes that have been proposed by this year's organisers the licensing authority is struggling to believe anything will be different. If the Sub Committee members consider that with the evidence in front of them the Premises Licence Holders will comply going forward, then they may want to consider a number of additional conditions.

Mrs Thomson (Public Protection Manager – Responsible Authority) did not wish to make any points in summation.

The Premises Licence Holders made the following points in summation:

- We fully acknowledge the issues with last year's festival that have been raised and we have taken the necessary steps raised by all the Responsible Authorities;
- We welcome the feedback and strive to work closely with staff and third parties; and
- We will look at the conditions suggested by Mrs Holland and are willing to support these conditions.

The Sub Committee then adjourned at 12.35 and retired with the Council's Solicitor and the Democratic Services Officer to make a decision on the application for the revocation of the Premises Licence.

The Hearing reconvened at 13.00. It was noted that whilst Councillor Allison Bucknell had taken part in the decision, she was not present whilst the decision was announced to the hearing participants and Councillor Peter Evans was the substitute member for this brief conclusion of the hearing.

Following the deliberations of the Sub Committee Members, the Council's Solicitor made a statement that no material legal advice was given in the closed session:

Following the deliberations of the Sub Committee Members, it was

Resolved:

The decision of the Western Area Licensing Sub Committee is that the Premises Licence LN/000014610 in respect of Stowford Farm, Farleigh Road, Wingfield, Trowbridge held by NR Events Ltd be revoked.

Reasons for the Decision

The Sub Committee determined that the Licence Holder had failed to comply with its obligations in respect of the following licensing objectives: -

- Public safety

The Sub Committee also found that the Licence Holder had failed, within the required timescales, to comply with one of the conditions of the Premises Licence as set out below;

Public Safety

- Event to be managed in compliance with the Event Management Plan (policy and procedures) as approved by Licensing Authority

In reaching its decision, the Sub Committee took account of the representations that had been made on behalf of the Review Applicant, the Public Protection Officer (Licensing), the Public Protection Manager (Food and Safety), the Premises Licence Holder, Mr N Reed of NR Events Limited, Mr I Lucas Chair of NR Events Ltd and Mr E Barker, Bar Manager. This included all the written representations contained within the Agenda and the two Agenda Supplements and the oral evidence given at the hearing. The Sub Committee also considered and took account of the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 52); the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

The Sub Committee also considered the four licensing objectives; the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm and also took into account the relevant provisions of the Licensing Act 2003 and determined that the

Licence Holder had failed to comply with the obligations in respect of the licensing objective of Public Safety and that the Licence Holder and the premises was undermining one of the four licensing objectives – namely public safety.

Reasons

Whilst the Sub Committee acknowledged the intent of the Licence holder who on paper had made strides towards addressing the issues of public safety unfortunately the Sub Committee did not have confidence that the 2019 Festival event would be run in a safe manner promoting the licensing objective of public safety. Nor did the Sub Committee have confidence of the Festival's Organisational Management Team's ability to put this in place in time for the Festival in July 2019 given to date no updated Event Management Plan addressing the public safety issues had yet been provided to the Licensing Authority for the 2019 Festival.

Review Application

The Review application was made by the Licensing Authority on 13 March 2019 in relation to the following licensing objective: -

- Public safety

Following advertisement of the Review a relevant representation was received from the Public Protection Manager (Food and Safety), in relation to public safety.

The Sub Committee heard evidence from the Review Applicant (Wiltshire Council's Licensing Manager), the Public Protection Officer – Licensing (who had prepared the report to the Sub Committee), the Public Protection Officer – Licensing (who was called as a witness by the Review Applicant) and the Public Protection Manager (Food and Safety) who made a relevant representation and from the License Holder and Chair and Bar Manager of NR Events Ltd (in response) that;

- **No up to date Event Management Plan for the 2019 Festival had been provided to the Licensing Authority to address the public safety issues raised by Responsible Authorities during site visits which had taken place on 18, 19, 20 and 21 July 2018 and in the Event Safety Advisory Group De-brief which took place after the Festival on 10 August 2018.**

The Licence Holder in response stated that an updated Event Management Plan ('EMP') has been prepared for the next Event Safety Advisory Group ('ESAG') meeting. The delay due in part to issues having arisen between the Licence Holder and the Director of Trowbridge

Festival Ltd who was involved with the 2018 Trowbridge Festival ('2018 Festival') in 2018.

- **At the 2018 Festival there was a failure to implement parts of the 2018 EMP.**

This was acknowledged by the Licence Holder who confirmed in response that an updated EMP for the 2019 Festival had been prepared and would be submitted at the next ESAG meeting.

- **At the 2018 Festival there was insufficient fire provision and limited fire equipment on site and evidence of use of disposable BBQs. A fire safety representative from Dorset and Wiltshire Fire and Rescue Service attended on site and raised concerns and gave advice. There was insufficient spacing between tents and a mixture of tents, caravans and parked vehicles in one of the overflow fields. An overflow field did not have a water supply.**

This was acknowledged by the Licence Holder in response. The Chair of NR Events Ltd confirmed fire extinguishers had been obtained for the 2019 Festival. The 2018 Festival was successful with higher than expected attendance and the Licence Holder confirmed that the parking generally and pitching of tents and caravans would be properly managed for the 2019 Festival. Access to additional land had been obtained for the 2019 Festival. All fields where camping taking place would have access to a water supply.

- **At the hearing the Licence Holder and Chair of NR Events were not able to clarify with certainty the maximum proposed capacity of the 2019 Festival to the Sub Committee. One website had stated the 2019 Festival would have a capacity of 2000, but the Licence Holder had stated in the hearing the proposed capacity would be 800 or 900 (public, stewards and volunteers). The Sub Committee were concerned that there was no clarity on the strategy if 2000 people turned up to attend the Festival. The Sub Committee were also concerned about the risks to the public arising from the Licence Holder and Management Team not having clarity knowing the numbers attending the 2019 Festival attending on site at any given time. At the 2018 Festival wrist bands worn by Officers from the Licensing Authority attending on site (and not in Council uniform) were not checked.**

The Licence Holder accepted that certainty of the numbers attending the 2019 Festival and a strategy for turning the public away if capacity was reached during the 2019 Festival was necessary. A new ticket system would be used for the 2019 Festival and they would ensure the entrances to the Festival were staffed at all times. Day tickets would not be sold unless insufficient tickets sold in advance.

- **There was no clearly defined Headquarters at the 2018 Festival and confusion on the roles of staff and stewards. The Sub Committee were concerned about the short period of time between the date of this hearing and the 2019 Festival and whether this time was sufficient to address the issues arising from the 2018 Festival.**

This was acknowledged by the Licence Holder. The current Chair of NR Events was brought in as 'duty manager' for the 2018 Festival but on site was asked to step up to Site Management. For the 2019 Festival, changes to the Management Team had been made and the Chair would have a more strategic role. There would be a clear Headquarters on site. The Licence Holder felt there was sufficient time address the issues arising from the 2018 Festival.

In view of the evidence heard, the Sub Committee concluded that they had no confidence in the ability of the Licence Holder to adequately address its failings in respect of the licensing objective of public safety. The Sub Committee also concluded that the imposition of additional licence conditions, or the temporary suspension of the Licence would not result in the required improvements and that revocation of the licence was the only practical option and was one which was both proportionate and necessary to meet the licensing objective of public safety.

Conclusions

The Sub Committee acknowledged the intent of the Licence Holder making strides to toward addressing the issues of public safety arising from the 2018 Festival, unfortunately the Sub Committee did not have confidence in the ability of the Licence Holder or the Festival's Organisational Management Team to put these in place in time for the Trowbridge Festival 2019 ('2019 Festival') taking place in July 2019 in a safe manner promoting the licensing objective of public safety. In particular, the Sub Committee noted that to date no updated Event Management Plan addressing the public safety issues had yet been provided to the Licensing Authority for the 2019 Festival.

Options and Decision

The Sub Committee considered the options available to it (including imposition of further conditions or a period of suspension to allow time to address the issues) however because of the now short period of time between the date of the hearing and the 2019 Festival the Sub Committee did not feel there was sufficient time to put in place the necessary requirements to ensure the 2019 Festival was a safe event.

The Sub Committee therefore concluded, on the basis of the evidence presented, that revocation of the licence that the only option available and that

such revocation was reasonable, proportionate and necessary to promote the licensing objectives.

The Applicants were informed that any appeal must be made to a Magistrates' Court within 21 days of the date of notification of the decision.

(Duration of meeting: 10.40 am - 1.05 pm)

The Officer who has produced these minutes is Lisa Pullin , of Democratic Services, direct line 01225 713015 , e-mail committee@wiltshire.gov.uk

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