

AGENDA SUPPLEMENT (1)

Meeting: Western Area Licensing Sub Committee

Place: The Laverton, Bratton Road, Westbury BA13 3EN

Date: Monday 22 April 2013

Time: <u>10.00 am</u>

The Agenda for the above meeting was published on 12 April 2013. These are additional papers that have been received.

Please direct any enquiries on this Agenda to Pam Denton, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718371 or email pam.denton@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225)713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

- 5a Appendix 1 Further papers form the Applicant (Pages 1 14)
- Further correspondence from Mr R E Bailey and letter from Mr D R Barnard which was omitted from the representations (Pages 15 20)

DATE OF PUBLICATION: 18 April 2013

Agenda Item 5a

16 April 2013 08:27

Jamie Rees <Jamie.Rees@avonandsomerset.police.uk>

To: dan@sunrisefestivals.co.uk

FW: Message from member of the public

Dan

I don't know where the figure of 30 arrests has came from?

Avon and Somerset police made 2 arrests over the Sunrise festival in

There were 8 reported thefts and 15 recorded incidents of drugs with no violent crime.

These figures have been passed to Wilts police.

From my involvement last year I can say that the feeling of the festival is normally good, it's well run and the organisers are fully supportive of police advice.

Give me a call if you wish to discuss - 01935 402141

Jamie

SGT 768 REES Yeovil

----Original Message-----

From: #SSN (South Somerset East)

Sent: 13 April 2013 08:49

To: Jamie Rees; Dean Hamilton; Sara Stephenson Subject: FW: Message from member of the public

Sergeants and Sara,

Message from Dan Hurring sent to the SSN mailbox.

He is obviously concerned about the licence for his new venue.

I would reply but do not have access to the figures.

Tim PCSO 7467

----Original Message-----

From: dan@sunrisefestivals.co.uk [mailto:dan@sunrisefestivals.co.uk]

Sent: 12 April 2013 15:59 To: #SSN (South Somerset East)

Subject: Message from member of the public

This message has been sent by a member of the public from the Avon and Somerset Constabulary website (www.avonandsomerset.police.uk)

Message for Edward Hawkins (Area East)

Message: Dear Ed,

I hope this finds you well.

Its Dan Hurring here, from the Sunrise Celebrations.

As you may know, Sunrise has recently moved to a new venue inside Wiltshire. We're currently going through the licensing process with the Hearing for the event due in the next two weeks.

We have had long and constructive discussions with Wiltshire Constabulary over the last months, where everything seemed to be in order. However, at a meeting several days ago, held to finalise the last of the arrangements on the license, a new officer was present, one Charlie Dibble.

He came at us from a very different angle, quoting statistics provided from Avon & Somerset, specifically from one Sergeant Rees. He stated

that he was the officer in charge of covert operations at Sunrise in 2012. He also stated that the covert operatives made 30 arrests for drugs and had to abandon the operation due to the level of arrests being too high for them to cope with.

This varies massively from our own understanding of the operation. Our understanding was that the operation was run by Sergeant Sara Stephenson with a single other officer alongside. As I handed over only two wristbands, this does seem to add up. The understanding we had at the time was that there were relatively low incidents, one of which involved our security being called out.

The low level of incidents was confirmed at our Multi-Agency Meeting in September 2012 when the stated figure was around a dozen, ten of which were on the spot cautions. The only substances found in these incidents, at least in all but the one case of arrest, was cannabis. I do not know about the arrest case.

The 30 figure is obviously quite significantly higher. As all Police vehicles were contained in our own production compound, and all police attendance was recorded in our logs, it would seem likely that we would know of 30 arrests.

Finally, it was never mentioned that the operation was abandoned due to overwhelm. The only recorded incidence here was a substantial number of officers being withdrawn from the event site for a larger incident

Ed, do you have any way of locating the correct figures for arrests at Sunrise 2012, specifically from drugs crime and whether these affected the continuance of the operation?

Is there also any way of finding out whether these figures (if different

from those stated above) were given to Wiltshire Police?

If so, could you verify these figures with me, as, as I say, they are not what I have on record from our own multi-agency meeting?

The result of these figures has been the painting of the festival as a high-crime, high-drugs, high-risk event which is, frankly, utterly in opposition to the truth as far as we're concerned and the records we have from all previous years.

I'd appreciate a swift response if you are able and apologise if this is a case of error on our part.

Yours sincerely,

Dan Hurring

Details of person who sent message, if provided.

Name: Daniel Hurring

E-mail address: dan@sunrisefestivals.co.uk Telephone number: 07792

353864 / 01373 466079

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Avon and Somerset Constabulary

Working to make the communities of Avon and Somerset feel safe and be safe

Daniel Hurring <dan@sunrisefestivals.co.uk>

To: Jacqueline Gallimore <jacqueline.gallimore@wiltshire.pnn.police.uk>

Cc: Charlie Dibble <Charlie.Dibble@wiltshire.pnn.police.uk>, Lindsey Winter dsey.winter@wiltshire.pnn.police.uk> Letter of Confirmation

Ref: Sunrise: Another World Thoulstone Park 30 May- 2 June 2013

Dear Jacqui,

We hope this finds you well. Thank you very much for the time you, Inspector Winter and Chief Inspector Dibble have given us in seeking to resolve the issues around the festival application. We understand and fully support the your commitment to ensuring public safety and the prevention of crime. We also believe these are key issues at any event and want to work with you and your colleagues to achieve both.

We would also like to thank you for the concessions made in light of the information received from Avon and Somerset and confirm that we will be requesting Special Police Services. This is in the Event Management Plan.

Due to the number of representations from the local community, we have engaged TLT Solicitors (Matthew Phipps) to represent us at the License Committee Hearing. We have a meeting with Matthew on Thursday afternoon to finalise our position on all aspects of the hearing and will be in a position to confirm our request once we have had that meeting.

Can we ask whether on receipt of the form requesting Special Police Services you propose to withdraw your objection, formally, prior to the Hearing, or is it the case that the representation will be maintained, albeit that you will not have any actual objection or negative observations to make to committee.

Kind regards

Alex Lepingwell and Dan Hurring

10 April 2013 09:07

To: Daniel Hurring <dan@sunrisefestivals.co.uk>

Cc: "Wilkinson, Annabel" <Annabel.Wilkinson@wiltshire.gov.uk>, "Jones, Maggie" <Maggie.Jones@wiltshire.gov.uk>, "Golledge, Kate" <Kate.Golledge@wiltshire.gov.uk> RE: Noise Propagation & Aggregation

2 Attachments, 487 KB

Dan,

Many thanks for this 'site specific' noise impact information we requested and I would just like to clarify some timescales for your information.

I have appointments and meetings over the next couple of days, so it is likely to be Friday afternoon before I am able to assess the detailed information initially and furthermore, would also like to visit the outskirts of the festival site in order that the calcs and receptors have more meaning to me as I am based in Chippenham.

Myself and Annabel can then discuss where our written reps stand having assessed the detail (which looks like it is what we asked for).

I would imagine we would be able to respond formally by the middle of next week regarding our written reps position.

Regards

John

From: Dan Hurring [mailto:c] On Behalf Of Daniel Hurring

Sent: 09 April 2013 13:35

To: Freegard, John; Golledge, Kate; Wilkinson, Annabel Cc: Jones, Maggie; Alex Lepingwell; Steve Anderson Subject: Noise Propagation & Aggregation

Hello John,

Attached are the noise propagation and aggregation spreadsheets requested & an explanatory document. Also attached are two Google Maps showing where the sound sources are on the site and where the nearest residences are.

We have chosen a range of the most sound sensitive and local properties to measure from/to as well as Chapmanslade as the nearest large settlement of note. We hope that this will present a balanced view of what can be expected at other properties. See Steve's explanatory document for more on this.

What is clear is that the main hours of off-site noise will be during the running times of the Main Stage, which is for a total of 22.5 hours over the weekend, taking into account that there are long breaks in between acts for changeovers. This amounts to 25-30% of the running time.

Between the hours of 9am and Midday each day there are no programmed entertainment venues running, and so sound levels at these times from scheduled activity will be very low in comparison to later times. Similarly, no amplified entertainment will be running until 5pm on the opening day (Thursday) and so the 60 dBa limit will not be troubled at all during this period.

The total 'On-Time' therefore where the $60\mathrm{dBa}$ criteria agreed would be needed is:

1700 - 2300 - 6 hours - Thursday 30th May 1200 - 2300 - 11 hours - Friday 31st may 1200 - 2300 - 11 hours - Saturday 1st June 1200 - 2300 - 11 hours - Sunday 2nd June

A total of 39 hours rather than 60 mentioned before.

I would also like to emphasise here that there will likely be times between these points when there will be much lower levels due to band changeovers, etc, but these are flexible periods in time and extent. I would also like to emphasise that the Aggregation information does not suggest we will be running at 60dBa at all times, but that this ceiling will be needed during the operating times above for non-ideal climatic and other conditions.

Further to the above, we are in dialogue with the most local residents over sound levels and disturbance, recognising that several houses in Thoulstone will receive higher levels than anywhere else in the vicinity and thus needed to be treated with the utmost respect and consideration.

Finally, to meet the inaudibility criteria, we will no longer be seeking to run any amplified music past the times set aside for 45dBa limits. Previously we had left one venue in place as running during this period and will now alter this, see the spreadsheet of amended venue ON Times.

So, in summary:

- We agree to the Inaudibility Criteria during the hours previously agreed at all residences. We agree that this is to be measured outside of properties, rather than inside.
- We agree, as stated before, to the dBa limits of 60dBa prior to 11pm; 50dBa from 11pm-12am; 45dBa until 1am Thursday/Friday AM & 2am Friday/Saturday/Sunday AM
- We continue to be prepared to work with WCC to achieve the conditions put forward by Environmental Health in previous and current communications.

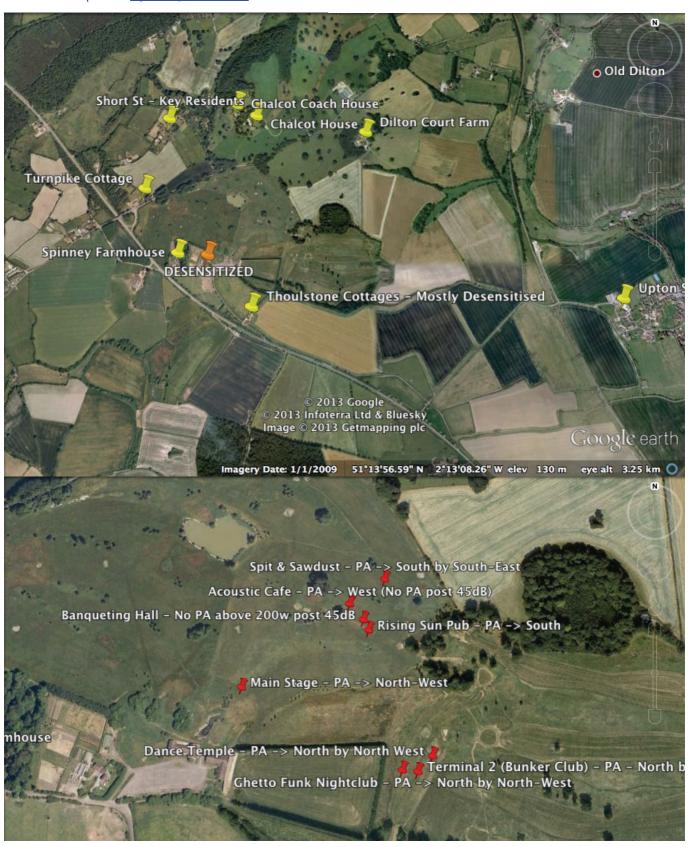
We hope that this will be sufficient for us to agree the required conditions related to Noise on- and off-site during the licensed period of the Sunrise Festival 2013.

I look forward to speaking soon.

All the best,

Dan Hurring

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"Golledge, Kate" <Kate.Golledge@wiltshire.gov.uk> ${\cal O}$

To: Daniel Hurring <dan@sunrisefestivals.co.uk>

 $\label{local:condition} \textbf{Cc: "Bradley, Mandy" < Mandy.Bradley@wiltshire.gov.uk>, "Jones, Maggie" < Maggie.Jones@wiltshire.gov.uk>, "Grant, Lisa" < Maggie.Jones.gov.uk>, "Grant, Lisa" < Maggie.Jones$

<Lisa.Grant@wiltshire.gov.uk>, "Holland, Linda" <Linda.Holland@wiltshire.gov.uk>

RE: Representation

2 Attachments, 4 KB

16 April 2013 13:43

Dear Dan,

Thank you for your response and the revised attached security schedules.

I can confirm that the revised schedule has addressed the Licensing Authorities concerns over numbers and roles on the part of the security team.

Once I have confirmation that the music noise levels have been addressed to the Environmental Health officers satisfaction the Licensing Authorities' concerns will have been addressed and will be reported as such at the hearing on the 22nd of April. The issue of Special Policing Services is a contractual matter between you as the applicant and Wiltshire Constabulary. My only concern was where you have made reference to a role that was going to involve police officers; of course you could adjust your security schedules to cover these roles if you wished.

I am sure your negotiations will continue with the Responsible Authorities and I await the outcome,

Kind Regards,

Kate Golledge
Public Protection Manager
Safer Communities & Licensing
North and West
Wiltshire Council

Web: www.wiltshire.gov.uk

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From: Dan Hurring [mailto:d] On Behalf Of Daniel Hurring

Sent: 15 April 2013 23:45 **To:** Golledge, Kate

Cc: alex@sunrisefestivals.co.uk Lepingwell

Subject: Re: Representation

Dear Kate,

Apologies for the radio silence since this interaction last week.

As you may have heard, the Police did indeed ask for Special Police Services to be requested during our meeting. We have agreed to this in principle, though the negotiation as to the extent of these is ongoing, especially as we have been given such short notice.

At the current time, we do not have resolution with the Police due to this, though I think we are now fulfilling all the conditions asked for on their part, including a slightly revised SIA schedule which includes additional venue SIA staffing in the nightclub-style venues where bars are present. I attach this for your benefit. This was the final query over SIA provision, to our knowledge. We hope that the Representation can and will still be removed in time for the Hearing.

We have submitted all information requested to the EHO (which I believe I cc'ed you in to). We are now just awaiting response to these. Again, technically, we have fulfilled all requests and agreed to all conditions laid down, so we are hopeful that this can now be resolved.

Are there any matters beyond these that are of specific concern to you and in need of further resolution?

Yours sincerely,

This email has been scanned by the Symantec Email Security.cloud service. For more information please visit http://www.symanteccloud.com On 10 Apr 2013, at 14:59, "Golledge, Kate" < Kate.Golledge@wiltshire.gov.uk > wrote: > Dear Dan. > I'm sorry that it has taken me a few days to get back to you on this matter. > I think my concerns as you rightly suggest relate to those raised by the noise team and the police. > You are correct in presuming that settlement of issues with Environmental Health would also settle my concerns on music noise levels received off site at noise sensitive properties. > In my representation I was not suggesting that Wiltshire Police should be engaged in the prevention of unauthorised access to the site which I agree would be a waste of an expensive resource. > My concern related to the adequacy of the number and roles of your S.I.A. registered security stewards to prevent such access. > My other concern related to the role that Wiltshire Police were or were not going to play in conjunction with your Drugs policy. > Having been intimately involved in the review of WOMAD's licence I was unsure on the approach that the police authority were going to take concerning the issue of special policing services and their link to your policy's. > I am sure that following your meeting today with Wiltshire Police you will be in a position to clarify matters and address the Licensing Authorities concerns. > Kind Regards, > Kate Golledge > Public Protection Manager > Safer Communities & Licensing > North and West > Wiltshire Council > Web: www.wiltshire.gov.uk > Follow Wiltshire Council > > -----Original Message-----> From: Dan Hurring [mailto:] On Behalf Of Daniel Hurring > Sent: 05 April 2013 17:12 > To: Golledge, Kate > Cc: alex@sunrisefestivals.co.uk Lepingwell > Subject: Representation > Dear Kate, > We today received your representation regarding the license application for the Sunrise Festival 2013 at Thoulstone Park. > I was wondering if it would be advisable to meet up and discuss your specific concerns, particularly around SIA provision and perimeter security/management of numbers onsite. > The point re: Noise Management is something we are very much working on with our Noise Consultants and John Freedgard, and is a dynamic, evolving situation at present. I am presuming in this case (perhaps wrongly) that settlement of issues with Environmental Health would settle your own concerns on this issue?

> The latter point is more concerning, especially regarding Police presence, which has not been something discussed at any point by the Police and appears something that they do not desire to be involved in. Utilising Police for the purposes of preventing unauthorised access would, in my opinion, be a tragic waste of Police resources and far more suited to the role of an SIA professional trained in this particular area.

> We are of course more than happy to discuss the provision with you and, we hope, find	d a way forward.
>	
> Thank you for your time and I look forward to hearing from you.	
>	
> All the best,	
>	
> Dan Hurring	
>	
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Sara Stephenson <sara.stephenson@avonandsomerset.police.uk>

To: Daniel Hurring RE: Sunrise

Hi Dan

Apologies I didn't get chance to come back to you last week...busy busy.... and then rest days!

Anyway here is what I have found out:

Figures from last year were:

8 thefts (tent/bicycles etc)

15 drugs

No violent crime

Our policing model has been low key with patrols by neighbourhood teams only supported by the Special Constabulary. Due to a peak in theft related offences in 2011 Sergeant REES decided to deploy a pair of plain clothes officers in 2012.

The festival has normally been good, well run with the organisers being fully supportive of any police advice.

Hopefully this will assist you further.

Sara

From: Dan Hurring [mailto: Sent: 11 April 2013 17:15

On Behalf Of Daniel Hurring

To: Sara Stephenson
Subject: Re: Sunrise

Hi Sara,

Any luck today with those details?

Would be very helpful to get accurate data.

All the best,

Dan

On 10 Apr 2013, at 22:26, Sara Stephenson < sara.stephenson@avonandsomerset.police.uk> wrote:

Hi Dar

I will look into this and email you back tomorrow when I come back into work.

Regards Sara

From: Dan Hurring [mailto:d Sent: 10 April 2013 22:20 On Behalf Of Daniel Hurring

Sent: 10 April 2013 22:2
To: Sara Stephenson
Cc: Daniel Hurring
Subject: Re: Sunrise

Dear Sara,

Hope this finds you well.

We had an interesting and rather surprising meeting with a senior officer from Wiltshire Police today.

He suddenly hit us with a statistic of 30 drugs arrests/charges from the covert patrols at Sunrise last year.

Previously you had listed 12, 10 of which were cautions on the spot.

Is it possible to know the correct numbers?

Also, he mentioned operations were abandoned due to high number of arrests.

Is it possible for you to verify this?

I appreciate some of this may be confidential, but it rather knocked us sideways as this wasn't our understanding of proceedings from previous conversations.

Believe he spoke to a Sergeant Rees.

Agenda Item 5d

Re: SUNRISE FESTIVALS 2013 Ltd

Application no. 201-303-551

Hearing Monday 22/4/13

OUTLINE LEGAL ARGUMENT

SECTION ONE

SEE WILTSHIRE COUNCIL'S NOTES FOR GUIDANCE : APPLICATION FOR PREMISES LICENCE, PAGE 6.

I RAISED THIS POINT IN MY REPRESENTATIONS PAGE 69 OF COUNCIL DOCUMENT.

Failure to give proper Notices of License Application

Where premises exceed 50 square metres notice is to be displayed every 50 metres abutting highway where it can be conveniently read for a period of no less than 28 consecutive days.

I inspected boundary on 28/3/13 (21 days after publishing) and again on Monday 8/4/13.

On 28/3/13 I inspected perimeter of Golf Course from boundary of Brake's Farm along the A3098, A36 slip road, the A36, the Thoulston Lane to Club entrance, and then along THE DROVE, a track capable of taking traffic and used by riders/cyclists/walkers.

From the Brake Farm boundary to first Notice opposite Short Street junction I measured, with surveyor's tape, 109/110 meters of fencing clear of any Notices. The first Notice was displayed on the very point of bend making it highly dangerous to read.

From First notice to Second Notice there was a gap of approximately 102/103 meters.

From Second Notice to Third Notice there was a gap of 68.5 meters.

From Third Notice to Fourth Notice, opposite Turnpike Cottage, there was a gap of 219/220 meters.

OF THESE NOTICES ON A3098, only the Fourth could be read safely. From the Fourth Notice to the gates to the Club no notice was displayed at all.

On 28/3/13 the Fifth Notice was displayed near entrance gates of Club.

On 8/4/113 this Fifth Notice had been removed, or I could no longer see it. This was outside the 28 day period.

I suggest, with respect, that the failure to post Notices every 50 meters round the boundary fence and to continue to display them for 28 days, is sufficient to justify a dismissal of the application.

There are plenty of points along the boundary where notices could be displayed safely, including from Brake Farm boundary to the first Notice, from the fourth Notice to the slip road, and on the slip road itself. All were safe to allow inspection.

OUTLINE LEGAL ARGUMENT SECTION TWO

I RAISED THE FOLLOWING POINTS IN MY WRITTEN REPRESENTATIONS, SEE PAGES 69/70 OF THE COUNCIL'S BUNDLE.

Breaches of <u>Natural Justice</u> and <u>Article 6 Right of a Fair Trial Human Rights Act 1998</u> (see Procedural Rules Page 2 section 3)

- 1. <u>Section 3 Human Rights Act 1998</u> gives a Statutory general requirement that all legislation must be read or given effect wherever possible in a way compatible with the <u>Conventions of Human Rights</u> unless prevented from doing so by statute.
- 2. <u>The Licensing Act 2003</u> (c 17) requires a Licensing Committee to act in a QUASI-JUDICIAL capacity.

3. <u>Fair Hearing Article 6</u>

Parties must be given equal and reasonable opportunities to present case. There should be equality of arms, i.e. one party should not be placed at a procedural advantage over the other.

The system presently hampers access to a tribunal and creates inadequate time limits.

<u>Common Law breach of Natural Justice</u>, in that parties affected are given inadequate opportunity both to state their case and consider issues to be raised.

See R-v- Chief Constable of North Wales ex p Evans 1982 1WLR 1155 (HL)

R-v Secretary of State for the Home Department ex parts Doody 1994 AC 531

R-v Army Board of the Defence Council ex p Anderson 1992 QB 169

R-v Paddington Rent Tribunal ex-parte Bell Properties Ltd 1949 1 K.B 666

(a) ISSUE ONE

Text of Notices is inadequate. An ordinary member of the public not familiar with Licensing jargon would not understand the implications. No times of activities are given. It is not reasonable to expect citizens to understand the legalistic terminology, to telephone the Council to make a special appointment, to travel to Council offices, and then wade through a Management Plan of 280 pages, plus license application, in the presence of an officer.

Presuming Blue Notices were posted early on 7/3/13, an objector would only have 18 working days to inspect the application and supporting document. This year, the Easter holiday intervened.

(b) **ISSUE TWO**

I repeat argument in Section One as to failure to display Notices every 50 meters on boundary. It is not sufficient to rely on a citizen noticing the advert being placed on a Council's website. Firstly, there are still a considerable number of people who do not have an internet connection or who could be expected to visit the website as a matter of general course. Only one Notice was advertised in one newspaper, 'The Wiltshire Times'. This particular publication covers the whole county and many people just purchase their local newspaper or rely on a free newspaper.

(c) **ISSUE THREE**

The Management Plan lodged with Application and available for inspection contained insufficient information to enable a person to make a reasoned judgement. For example, Noise Management Statements were dated previous year. Some possible objectors might have accepted the plan at face value, not realised implications, and failed to lodge Representations within tight time schedule expiring on 4/4/13

(d) **ISSUE FOUR**

The Applicant's Noise Management Statement has still not been lodged with the Council as at date of drafting, Tuesday 16/4/13. Objectors are not being given adequate notice or information to enable them to respond. Most people work.

R.E. BAILEY

Wilsome House 147A High Street Chapmanslade Westbury Wiltshire BA13 4AP

Tel:

27 March 2013

Public Protection Licensing Department Wiltshire Council Bythesea Road Trowbridge Wiltshire BA14 8JD

Dear Sirs

SUNRISE FESTIVAL 30[™] MAY – 2[™] JUNE, CHAPMANSLADE

I very strongly object to the above festival being organised on the former golf course, Thoulston, for the following reasons:

- 1. I know there were plans for another site, which fell through, but the time between that application and this proposed event is far too short. The Parish Council and the local residents only heard about it very recently.
- 2. Despite all the promises of controlled volume, we know that music being played from 1.00pm to 3.00am will ruin the lives of those living close by. The last festival held in Bruton could be heard in Chapmanslade, 12 miles away.
- 3. Traffic chaos and potential accidents are a huge concern. 7,000 people, 2,000 cars, caravans, mobile homes on a very busy bank holiday weekend is inviting injury and possible loss of life. The A36 is very fast, 1km of back-up parking for cars arriving is insufficient and there will be tail backs on the main road (note Tintinhull 4 years ago A303 blocked for 2 hours).
- 4. Teenagers, especially, will walk on the busy roads at night and will be very unsafe.
- 5. The charge of £18 parking fee for cars will mean that many will park up where they can. Old Drove Lane, roads around Upton Scudamore, Short Street, Village Hall car park (and anyone's gateway) will be used to save the fee.

- 6. Only one business the pub will benefit from this event. Barters Nurseries, on the busiest gardening weekend, will lose business, customers being put off by excess traffic.
- 7. Access to elderly and infirm patients will be limited and carers will have great difficulties.
- 8. The site, especially this year, is as wet as ever. Sinking vehicles, and lots of mud, will hinder all movements.
- 9. Water pressure is not good. The adjoining farms have difficulties at certain times and 7,000 extra people will make matters much worse.
- 10. Litter, alcohol, drugs all expected to create problems.
- 11. The meeting in the Village Hall showed a 75% objection to the festival. Those living nearby (one lady is 94) are very concerned indeed.
- 12. Deer, owls, bats, badgers, birds all undisturbed for several years, will be greatly affected.

FRIENDS, TO GIVE A LICENCE TO FESTIVAL SUNRISE, WILL, FOR THE MAJORITY, BE VERY UNWISE.

Yours sincerely

Dennis R Barnard