

AGENDA

Regulatory Sub Committee

Date: **Wednesday 20 April 2011**

Time: **7.00 pm**

Place: **The Council Chamber, Brockington, 35 Hafod Road,
Hereford**

Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

Ricky Clarke, Democratic Services Officer

Tel: 01432 261885

Email: rclarke@herefordshire.gov.uk

If you would like help to understand this document, or would like it in another format or language, please call Ricky Clarke, Democratic Services Officer on 01432 261885 or e-mail rclarke@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Regulatory Sub Committee

Membership **Councillor PGH Cutter**
 Councillor JW Hope MBE
 Councillor Brig P Jones CBE

GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

The Council's Members' Code of Conduct requires Councillors to declare against an Agenda item(s) the nature of an interest and whether the interest is personal or prejudicial. Councillors have to decide first whether or not they have a personal interest in the matter under discussion. They will then have to decide whether that personal interest is also prejudicial.

A personal interest is an interest that affects the Councillor more than most other people in the area. People in the area include those who live, work or have property in the area of the Council. Councillors will also have a personal interest if their partner, relative or a close friend, or an organisation that they or the member works for, is affected more than other people in the area. If they do have a personal interest, they must declare it but can stay and take part and vote in the meeting.

Whether an interest is prejudicial is a matter of judgement for each Councillor. What Councillors have to do is ask themselves whether a member of the public – if he or she knew all the facts – would think that the Councillor's interest was so important that their decision would be affected by it. If a Councillor has a prejudicial interest then they must declare what that interest is. A Councillor who has declared a prejudicial interest at a meeting may nevertheless be able to address that meeting, but only in circumstances where an ordinary member of the public would be also allowed to speak. In such circumstances, the Councillor concerned will have the same opportunity to address the meeting and on the same terms. However, a Councillor exercising their ability to speak in these circumstances must leave the meeting immediately after they have spoken.

AGENDA

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To elect a Chairman for the hearing.	
2. APOLOGIES FOR ABSENCE	
To receive apologies for absence.	
3. NAMED SUBSTITUTES (IF ANY)	
To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.	
4. DECLARATIONS OF INTEREST	
To receive any declarations of interest by Members in respect of items on the Agenda.	
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YOU HAVE A RIGHT TO: -

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- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
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- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
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HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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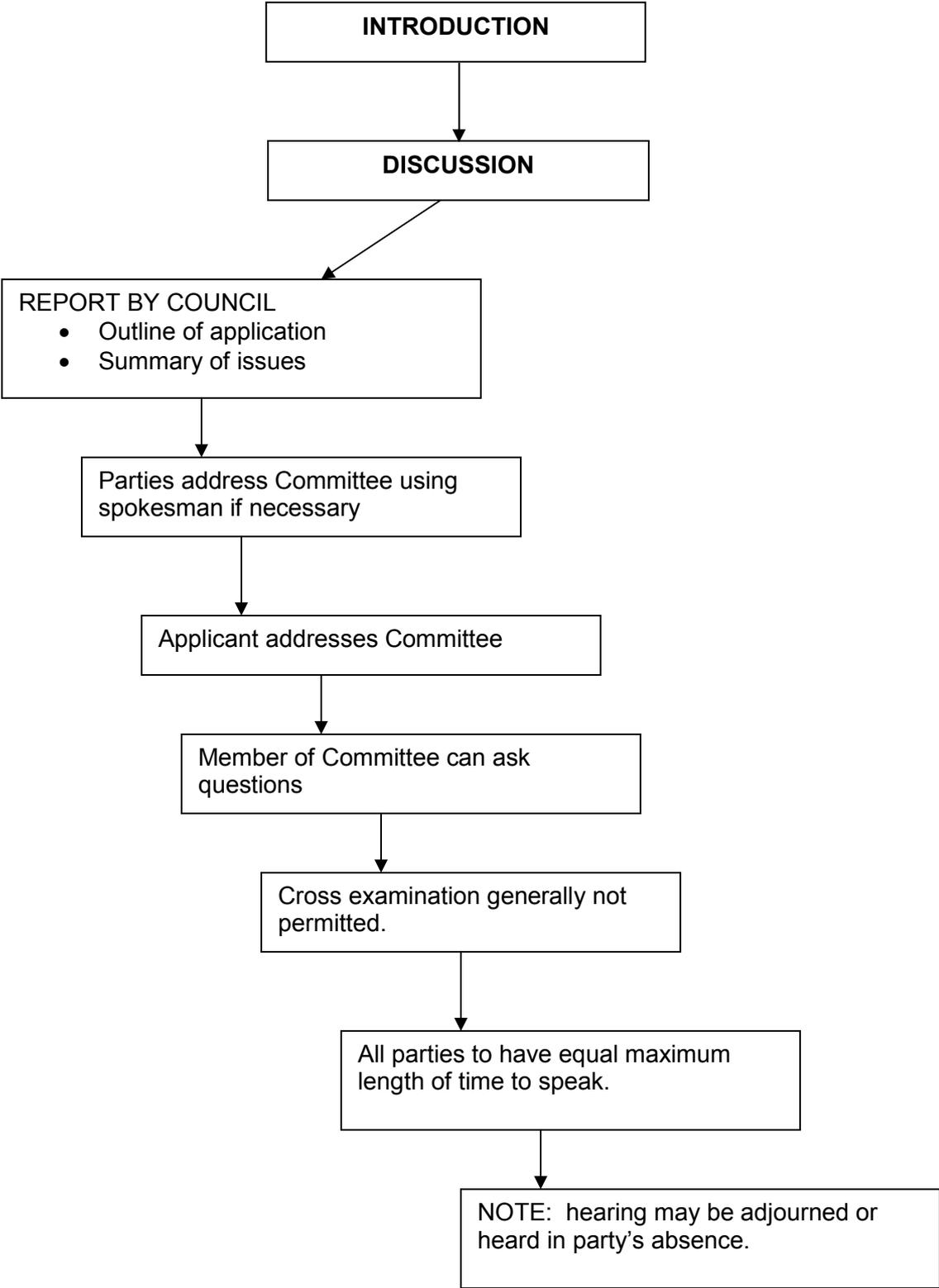
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LICENCING HEARING FLOW CHART



MEETING:	REGULATORY SUB-COMMITTEE
DATE:	20 APRIL 2011
TITLE OF REPORT:	PRELIMINARY ISSUES CONCERNING THE APPLICATION FOR GRANT OF A PREMISES LICENCE IN RESPECT OF BIG CHILL FESTIVAL, EASTNOR CASTLE, DEER PARK, EASTNOR, LEDBURY. HR8 1RQ.' - LICENSING ACT 2003
PORTFOLIO AREA:	ENVIRONMENTAL HEALTH & TRADING STANDARDS PUBLIC HEALTH DIRECTORATE

CLASSIFICATION: Open

Wards Affected

Ledbury

Purpose

1. For the committee to decide whether the application for a premise licence for 'Big Chill Festival, Eastnor Castle, Deer Park, Ledbury, HR8 1RQ' can be determined.

Legislation – Licensing Act 2003

2. Section 18 states that the Licensing Authority only has power to determine an application for a premises licence where: -
 - (a) it is made in accordance with section 17, and
 - (b) they are satisfied that the applicant has complied with any requirement imposed on him under Section 17 (5) of that section.

Section 17 (3)(b) states that any application must be submitted with a plan of the premises to which the application relates, in the prescribed form,

Legislation – The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005

3. **Plans**
Regulation 23 — (1) An application for a premises licence under section 17, or a club premises certificate under section 71, shall be accompanied by a plan of the premises to which the application relates and which shall comply with the following paragraphs of this regulation.
 - (3) The plan shall show—
 - (f) in a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor;
 - (i) the location and type of any fire safety and any other safety equipment including, if applicable, marine safety equipment; and

Further information on the subject of this report is available from
Fred Spriggs – Licensing Officer 01432 383542

- (j) the location of a kitchen, if any, on the premises.

Advertisement of applications

Regulation 26 — (1) In the case of an application for a premises licence or a club premises certificate, the notices referred to in regulation 25 shall contain a statement of the relevant licensable activities or relevant qualifying club activities as the case may require which it is proposed will be carried on or from the premises.

(4) In all cases, the notices referred to in regulation 25 shall state—

- (a) the name of the applicant or club;
- (b) the postal address of the premises or club premises, if any, or if there is no postal address for the premises a description of those premises sufficient to enable the location and extent of the premises or club premises to be identified;
- (c) the postal address and, where applicable, the worldwide web address where the register of the relevant licensing authority is kept and where and when the record of the application may be inspected;
- (d) the date by which an interested party or responsible authority may make representations to the relevant licensing authority;
- (e) that representations shall be made in writing; and
- (f) that it is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence.

4. Facts

The Council's Statement of Licensing Policy (section 7.7) says that, upon receipt of an application, the Licensing Authority will write to the applicant to notify them when the 28 day consultation period should start and what date it must appear as an advertisement. This is to ensure that all aspects of the application are acceptable to the Licensing Authority before the applicant goes ahead with the public consultation exercise.

The Licensing Authority received the application for the premise licence on 23 February 2011. Festival Republic simultaneously placed the public advertisement without awaiting confirmation from the Council. The 28 day consultation period therefore started on 24 February and concluded on 23 March 2011.

At the time of submission the following items were not shown on the plan:

- (i) in a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor;
- (ii) the location and type of any fire safety and any other safety equipment including, if applicable, marine safety equipment; and
- (iii) the location of a kitchen, if any, on the premises.

The applicant was subsequently contacted and advised of this and asked to supply the required information. Whilst most of the information was supplied, not all of the information was provided. The receipt of this information necessitated a short delay in contacting the various interested parties.

An issue in respect of the advertisement was raised with the applicant and his solicitor who took the opinion that the advertisement was correct and therefore did not change it.

5. Committee's Determination

It is for the Committee to decide whether they are satisfied that the applicant has complied with requirements imposed on him by the Act and the Regulations.

6. **Options**

There are a two options available to committee: -

- To decide that the statutory requirements have been complied with and therefore to conclude that the Licensing Authority has power to determine the application
- To decide that the statutory requirements have not been complied with and therefore to conclude that the Licensing Authority has no power to determine the application.

7. **Background Papers**

- a. Copy of the site notice
- b. Plan submitted with application (available to view on day of Committee due to size)
- c. Copy of email in relation to plans

Background Papers

Background papers are available for inspection in the Council Chamber, Brockington, 35 Hafod Road, Hereford 30 minutes before the start of the hearing.

MEETING:	REGULATORY SUB-COMMITTEE
DATE:	20 APRIL 2011
TITLE OF REPORT:	APPLICATION FOR GRANT OF PREMISES LICENCE 'BIG CHILL FESTIVAL, EASTNOR CASTLE, DEER PARK, EASTNOR, LEDBURY. HR8 1RQ.' - LICENSING ACT 2003
PORTFOLIO AREA:	ENVIRONMENTAL HEALTH & TRADING STANDARDS PUBLIC HEALTH DIRECTORATE

CLASSIFICATION: Open

Wards Affected

Ledbury

Purpose

To consider an application for the grant of a premises licence in respect of the 'Big Chill Festival, Eastnor Castle, Deer Park, Ledbury, HR8 1RQ.'

Key Decision

This is not a Key Decision.

Recommendation

THAT Sub-Committee determine the application with a view to promoting the licensing objectives in the overall interests of the local community. They should give appropriate weight to:

- The steps that are necessary to promote the licensing objectives,
- The representations (including supporting information) presented by all parties,
- The Guidance issued to local authorities under Section 182 of the Licensing Act 2003, and
- The Herefordshire Council Licensing Policy.

Key Points Summary

- The police, EHO (Pollution) & EHO (Commercial) have made representations as a Responsible Authorities
- Two (2) representations from Parish Councils
- Five (5) representations from members of the public

Further information on the subject of this report is available from
Fred Spriggs – Licensing Officer 01432 383542

Options

- 1 a) Grant the licence subject to conditions that are consistent with the operating schedule accompanying the application and the mandatory conditions set out in the Licensing Act 2003,
- b) Grant the licence subject to modified conditions to that of the operating schedule where the committee considers it necessary for the promotion of the licensing objectives and add mandatory conditions set out in the Licensing Act 2003,
- c) To exclude from the scope of the licence any of the licensable activities to which the application relates,
- d) To refuse to specify a person in the licence as the premise supervisor, or
- e) To reject the application.

Reasons for Recommendations

- 2 Ensures compliance with the Licensing Act 2003.

Introduction and Background

3 Background Information

Applicant	Melvin John Benn The Big Chill Festival, c/o Festival Republic Limited, 35 Bow Street, Covent Garden, London. WC2E 7AU	
Solicitor	N/K	
Type of application:	Date received:	28 Days consultation
Grant Application	24/02/11	23/03/11

Licence Application

- 4 The application for the grant of a premises licence has received representation and is brought before the committee for determination.
- 5 The application is for a permanent premises licence. It is requested that the festival will take place over the first or second weekend in August each year subject to unforeseen circumstances (*force majeure*). In the case of '*force majeure*', the date of the festival could be held between 1 June and 1 September, although this must be agreed with the Safety Advisory Group.

Previous Licence in 2010

- 6 For comparison, the licence last year authorised: -

Plays, Live Music, Recorded Music, Performance of Dance, Activity like Music or Dance, Facility for Making Music, Facility like Music and Dance

Thursday 12:00 until 00:00

Friday, Saturday and Sunday 00:00 until 05:00
12:00 until 00:00

Monday 00:00 until 05:00

Films

Thursday 12:00 until 00:00

Friday, Saturday, Sunday 00:00 until 05:00
10:00 until 00:00

Monday 00:00 until 05:00

Indoor Sporting Events, Boxing and Wrestling

Thursday 12:00 until 23:00

Friday, Saturday, Sunday 12:00 until 23:00

Facility for Dancing

Thursday 12:00 until 00:00

Friday, Saturday, Sunday 00:00 until 05:00
12:00 until 00:00

Monday 00:00 until 12:00

Late Night Refreshment

Thursday 23:00 until 00:00

Friday, Saturday, Sunday 00:00 until 05:00
23:00 until 00:00

Monday 00:00 until 05:00

Supply/Sale of Alcohol

Thursday 11:00 until 00:00

Friday, Saturday, Sunday 00:00 until 05:00
11:00 until 00:00

Monday 00:00 until 05:00

Staff only Monday (proceeding) 11:00 until 03:00
Tuesday (proceeding) 11:00 until 03:00
Wednesday (proceeding) 11:00 until 04:00
Tuesday (following) 11:00 until 03:00

Summary of Application

7 The application requests the following hours:

Plays, Live Music, Recorded Music, Performance of Dance, Activity like Music or Dance, Facility for Making Music, Facility for Dancing, Facility Like Music and Dance

Thursday 12:00 until 00:00

Friday, Saturday and Sunday 00:00 until 05:00
09:00 until 00:00

Monday 00:00 until 03:00

Films

Thursday 12:00 until 00:00

Friday, Saturday, Sunday 00:00 until 05:00
09:00 until 00:00

Monday 00:00 until 03:00

Indoor Sporting Events, Boxing and Wrestling

Thursday 12:00 until 23:00

Friday, Saturday, Sunday 12:00 until 23:00

Late Night Refreshment

Wednesday 23:00 until 00:00

Thursday, Friday, Saturday, Sunday 00:00 until 05:00
23:00 until 00:00

Monday 00:00 until 03:00

Supply/Sale of Alcohol

Wednesday 14:00 until 00:00

Friday, Saturday, Sunday 00:00 until 05:00
11:00 until 00:00

Monday 00:00 until 03:00

Notes:

In respect of plays, films, live music, recorded music, performance of dance, activity like music or dance and facility for making music, the application states:

Performances between 09:00 and 12:00 will take place as children's entertainment in the Castle Field

In respect of Adult Entertainment the application states that 'Classification 18 films may be shown in the Licensed Premises. The attention of the Committee is drawn to Section 12 of the Licensing Policy in respect of this.

Non Standard Hours

None applied for.

Opening Hours of Premises

Wednesday 14:00 to 16:00 Monday

Summary of Representations

- 8 A copy of the representations can be found within the background papers.
- 9 Representations have been made by:
- i. The police
 - ii. The EHO (Pollution) – although noise issues have now been resolved
 - ii. The EHO (Commercial)
 - iii. Colwell Parish Council
 - iv. Birtsmorton Parish Council
 - v. Five (5) members of the public

Key Considerations

- The steps that are necessary to promote the licensing objectives,
- The representations (including supporting information) presented by all parties,
- The Guidance issued to local authorities under Section 182 of the Licensing Act 2003, and
- The Herefordshire Council Licensing Policy
- Stated cases

Community Impact

- 10 The granting of the licence as applied for may have an impact on the Community.

Legal Implications

- 11 The Committee should be aware of a number of stated cases which have appeared before the Administrative Court and are binding on the Licensing Authority.
- 12 The case of Daniel Thwaites Plc v Wirral Borough Magistrates' Court (Case No: CO/5533/2006) at the High Court of Justice Queen's Bench Division Administrative Court on 6 May 2008, [2008] EWHC 838 (Admin), 2008 WL 1968943, before the Honourable Mrs Justice Black.
- 13 In this case it was summed up that: -
A licensing authority must have regard to guidance issued by the Secretary of State under section 182. Licensing authorities may depart from it if they have reason to do so but will need to give full reasons for their actions.

14 Furthermore the Thwaites case established that only conditions should be attached to a licence with a view to promoting the Licensing objectives and that ‘real evidence’ must be presented to support the reason for imposing these conditions.

15 This judgement is further supported in the case of *The Queen on the Application of Bristol Council v Bristol Magistrates' Court*, CO/6920/2008 High Court of Justice Queen's Bench Division The Administrative Court, 24 February 2009, [2009] EWHC 625 (Admin) 2009 WL 648859 in which it was said:

‘Licensing authorities should only impose conditions which are necessary and proportionate for the promotion for licensing objectives’.

In addition to this it was stated that any condition attached to the licence should be an enforceable condition.

16 Schedule 5 gives a right of appeal to: -

Rejection of applications relating to premises licences

1 Where a licensing authority—

- (a) rejects an application for a premises licence under section 18,
- (b) rejects (in whole or in part) an application to vary a premises licence under section 35,
- (c) rejects an application to vary a premises licence to specify an individual as the premises supervisor under section 39, or
- (d) rejects an application to transfer a premises licence under section 44,
the applicant may appeal against the decision.

Decision to grant premises licence or impose conditions etc.

2(1) This paragraph applies where a licensing authority grants a premises licence under section 18.

(2) The holder of the licence may appeal against any decision—

(a) to impose conditions on the licence under subsection (2)(a) or (3)(b) of that section,
or

(b) to take any step mentioned in subsection (4)(b) or (c) of that section (exclusion of licensable activity or refusal to specify person as premises supervisor).

(3) Where a person who made relevant representations in relation to the application desires to contend—

(a) that the licence ought not to have been granted, or

(b) that, on granting the licence, the licensing authority ought to have imposed different or additional conditions, or to have taken a step mentioned in subsection (4)(b) or (c) of that section,

he may appeal against the decision.

(4) In sub-paragraph (3) “relevant representations” has the meaning given in section 18(6).

17 Section 9 states that any such appeal must be made to a Magistrates Court for the area in which the premises are situated within 21 days of notification of the decision.

Consultees

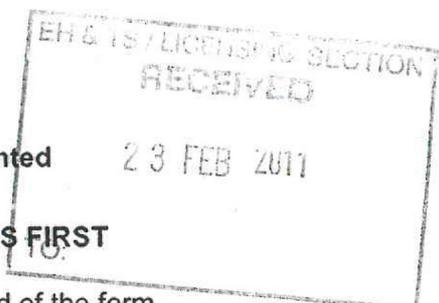
- 18 Responsible authorities and persons living within the vicinity or with a business interest within the vicinity of the premises.
- 19 A copy of the application was served on the responsible authorities. This was backed up by an email sent to them by the Licensing Authority.
- 20 The notice of application was displayed on the premises prior to the start of the consultation period and for a period of 28 days. In addition, notice of the application was required to be published in a newspaper which was circulated within the vicinity of the premises.
- 21 The applicant has produced a copy of that advertisement.

Appendices

- 22
 - a. Police representation
 - b. EHO representation
 - c. Application Form
 - d. Public Representation
 - e. Correspondence from representees relating to application

Background Papers

Background papers are available for inspection in the Council Chamber, Brockington, 35 Hafod Road, Hereford 30 minutes before the start of the hearing.



**Application for a premises licence to be granted
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
 If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
 You may wish to keep a copy of the completed form for your records.

I/We MELVIN JOHN BENN
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
THE DEER PARK EASTNOR LEDBURY HEREFORDSHIRE			
Post town	LEDBURY	Post code	HR8 1RQ

Telephone number at premises (if any)	N/A
Non-domestic rateable value of premises	£0

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
 Please tick yes

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname BENN			First names MELVIN JOHN		
I am 18 years old or over				<input checked="" type="checkbox"/>	Please tick yes
Current postal address if different from premises address		THE BIG CHILL C/O FESTIVAL REPUBLIC LIMITED 35 BOW STREET COVENT GARDEN			
Post Town	LONDON			Postcode	WC2E 7AU
Daytime contact telephone number			0207 009 3000		
E-mail address (optional)		mbenn@festivalrepublic.com			

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes

Current postal address if different from premises address			
Post Town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
0	3	08 2011

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day	Month	Year

Please give a general description of the premises (please read guidance note1)

The Bill Chill Festival ("the Festival") is held at Eastnor Park, which is situated to the east of Ledbury, Herefordshire, and is located close to the strategic highway network of the A438 and the A449 with links to the M50 and M5 motorways within close proximity.

It is an annual performing arts festival with multiple stages featuring multi cultural activities, i.e. bands, DJs, comedians, performance art art, theatre and cabaret performances.

The Festival will be open to the public for six days, between Wednesday afternoon and the Monday. The Festival is intended to take place in early August but in case of circumstances of force majeure, the Festival may need to be staged at a different time between the 1st June and 1st September in any one year.

The dates of the Festival will be notified to the Safety Advisory Group each year, at least 6 months prior to the Festival or such lesser period as may be agreed from time to time by the Safety Advisory Group.

The Licensed Premised is shown within the outer blue line on the site plan at Appendix B and is the whole area that could have licensable activities within it. Each year, the areas where the bars, regulated entertainment and late night refreshment are to be located will be shown on the site map, which will be submitted to the Safety Advisory Group for comment each year and will be included within the Event Management Plan for approval by the Licensing Authority.

We are applying for an onsales and offsales licence. The offsales licence relates to the consumption outside the bars themselves throughout the Licensed Premises including the campsites. The campsites will also include late night refreshment concessions. The application for the an offsite licence is to enable ticket holders to consume alcohol outside of the bar areas but only within the campsite areas within the Licensed Premises.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

39,999

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick yes

- | | |
|--|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input checked="" type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input checked="" type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |

- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Supply of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3) Comedy and Spoken Word to be performed on stage to an audience. Walkabout artists will perform around the Licensed Premises to small groups		
Mon	00.00	03.00			
Tue			<u>State any seasonal variations for performing plays</u> (please read guidance note 4) None		
Wed					
Thur	12.00	00.00			
Fri	00.00	05.00	<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5) Performances between 09.00 and 12.00 will take place as childrens entertainment in the Castle Field		
		09.00			
Sat	00.00	05.00			
		09.00			
Sun	00.00	05.00			
		09.00			

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) To permit amplified music videos and pre-recorded visual broadcasts as part of a band or DJ set. Also to permit traditional cinema format films to be shown.		
Mon	00.00	03.00			
Tue			State any seasonal variations for the exhibition of films (please read guidance note 4) None		
Wed					
Thur	12.00	00.00			
Fri	00.00	05.00	Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5) Performances between 09.00 and 12.00 will take place as childrens entertainment in the Castle Field		
	09.00	00.00			
Sat	00.00	05.00			
	09.00	00.00			
Sun	00.00	05.00			
	09.00	00.00			

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	To permit participation in a variety of sports which may be watched by festivalgoers. Such activities will be ancillary to the main entertainment.
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			None
Thur	12:00	23:00	<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri	12:00	23:00	None
Sat	12:00	23:00	
Sun	12:00	23:00	

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon			To permit participation in such entertainment which may be watched by festivalgoers. Such activities shall be ancillary to the main entertainment.		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Thur	12:00	23:00	None		
Fri	12:00	23:00	<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	12:00	23:00	None		
Sun	12:00	23:00			

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	00.00	03.00	Please give further details here (please read guidance note 3) Both amplified and unamplified live music played by a variety of contemporary performance artist, bands and other performers.	Both	<input checked="" type="checkbox"/>
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 4) None		
Thur	12.00	00.00			
Fri	00.00	05.00	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5) Performances between 09.00 and 12.00 will take place as childrens entertainment in the Castle Field		
	09.00	00.00			
Sat	00.00	05.00			
	09.00	00.00			
Sun	00.00	05.00			
	09.00	00.00			

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3) Amplified recorded music played by a variety of contemporary performance artists, music systems or DJ's and others of a similar nature.		
Mon	00.00	03.00			
Tue			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4) None		
Wed					
Thur	12.00	00.00	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5) Performances between 09.00 and 12.00 will take place as childrens entertainment in the Castle Field		
Fri	00.00	05.00			
	09.00	00.00			
Sat	00.00	05.00			
	09.00	00.00			
Sun	00.00	05.00			
	09.00	00.00			

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3) Dancing will be performed on stage and in a variety of positions around the Licensed Premises and will include all forms of dance to music or otherwise, including circus style acrobatic, cabaret and variety performances.		
Mon	00.00	03.00			
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4) None		
Thur					
	12.00	00.00			
Fri	00.00	05.00	<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
	09.00	00.00	Performances between 09.00 and 12.00 will take place as childrens entertainment in the Castle Field		
Sat	00.00	05.00			
	09.00	00.00			
Sun	00.00	05.00			
	09.00	00.00			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing Production elements such as lighting and stage decorations for the purpose of performances, cabaret performances, circus acts, art exhibitions and sponsor activities		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon	00.00	03.00		Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Tue			Please give further details here (please read guidance note 3)		
Wed					
Thur	12.00	05.00			
	12.00	00.00	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4) None		
Fri	00.00	05.00			
	09.00	00.00			
Sat	00.00	05.00	Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5) Performances between 09.00 and 12.00 will take place as childrens entertainment in the Castle Field		
	09.00	00.00			
Sun	00.00	05.00			
	09.00	00.00			

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u> This will include controlled sound systems for amplified music and unamplified facilities including karaoke, musical instruments, video and TV or film screens, also live music may be recorded as it is being performed with live broadcasting	
			<u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2)	
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3) As above	
Mon	00.00	03.00		
Tue				
Wed			<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4) None	
Thur	12.00	00.00		
Fri	00.00	05.00	<u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5) Performances between 09.00 and 12.00 will take place as childrens entertainment in the Castle Field	
		09.00		
Sat	00.00	05.00		
		09.00		
Sun	00.00	05.00		
		09.00		

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (see guidance note 2)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input checked="" type="checkbox"/>
			Please give a description of the facilities for dancing you will be providing Provision of permanent and/or temporary dance floors and other areas for dance throughout the Licensed Premises	
Day	Start	Finish	Please give further details here (please read guidance note 3)	
Mon	00.00	03:00		
Tue				
Wed			State any seasonal variations for providing dancing facilities (please read guidance note 4) None	
Thur	12.00	00.00		
Fri	00.00	05.00	Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5) Performances between 09.00 and 12.00 will take place as childrens entertainment in the Castle Field	
	09.00	00.00		
Sat	00.00	05.00		
	09.00	00.00		
Sun	00.00	05.00		
	09.00	00.00		

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment facility you will be providing Facilities for cabaret, circus acts and sponsor activities		
Day	Start	Finish	Will the entertainment facility be indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon	00.00	03.00		Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Tue			Please give further details here (please read guidance note 3)		
Wed					
Thur					
	12.00	00.00	State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j (please read guidance note 4) None		
Fri	00.00	05.00			
	09.00	00.00			
Sat	00.00	05.00	Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list (please read guidance note 5) None		
	09.00	00.00			
Sun	00.00	05.00			
	09.00	00.00			

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	00.00	03.00	Please give further details here (please read guidance note 3) There will be a variety of food stalls and non-alcoholic drinks concessions throughout the Licensed Premises, including the entertainment areas, the village and the campsites	Both	<input checked="" type="checkbox"/>
Tue					
Wed	23:00	00:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4) None		
Thur	00:00	05:00			
	23.00	00.00			
Fri	00.00	05.00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5) None		
	23.00	00.00			
Sat	00.00	05.00			
	23.00	00.00			
Sun	00.00	05.00			
	23.00	00.00			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4) We are applying for a Premises Licence for the supply of alcohol to ticket holders, both onsales and offsales. The offsales will be to ticket holders outside bars but within the Licensed Premises e.g. campsites.		
Mon	00.00	03.00			
Tue					
Wed	14:00	00:00			
Thur	00:00	05:00			
	11.00	00.00			
Fri	00.00	05.00			
	11.00	00.00			
Sat	00.00	05.00			
	11.00	00.00			
Sun	00.00	05.00			
	11.00	00.00			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name IAN JOHN RALPH DONALDSON	
Address FESTIVAL REPUBLIC 35 BOW STREET COVENT GARDEN LONDON	
Postcode	WC2E 7AU
Personal Licence number (if known) 13981	
Issuing licensing authority (if known) LONDON BOROUGH OF RICHMOND UPON THAMES	

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)
 Classification 18 films may be shown in the Licensed Premises.

O

<p>Hours premises are open to the public Standard days and timings (please read guidance note 6)</p>			<p>State any seasonal variations (please read guidance note 4) The Big Chill Festival will take place once each year. The site is to open from 14:00 on the Wednesday until 16:00 the following Monday.</p>
Day	Start	Finish	<p>The dates will be in early August each year, subject to force majeure. In case of force majeure, dates between 1st June and 1st September may be agreed with the Safety Advisory Group.</p>
Mon		16.00	
Tue			<p>The dates of the Festival will be notified to the Safety Advisory Group at least 6 months prior to the Festival or such lesser period as is agreed from time to time.</p>
Wed			
	14.00		<p>In 2011, the dates of the Festival will be 3rd August to 8th August inclusive.</p>
Thur			<p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5)</p>
Fri			
Sat			
Sun			

P Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

The Premises Licence Holder will comply with the Operating Schedule each year.

The Premises Licence Holder or a nominated assistant must be on duty and available to the Responsible Authorities and the Licensing Authority at all times that the Licensed Premises are open to ticket holders.

A record will be kept for 12 months after each Festival of the times that the Premises Licence Holder or his assistants were on duty and in control of the premises when licensed activities were undertaken. This information will be provided to the Licensing Authority or a Responsible Authority upon request.

The name and contact details of the Premises Licence Holder's assistant(s) will be confirmed to the Safety Advisory Group no later than 7 days prior to the festival each year.

The Designated Premises Supervisor or nominated assistant(s) must be on the Licensed Premises at all times that the Licensed Premises is open to ticket holders for the sale and supply of alcohol.

A record will be kept for 12 months of the times that the Designated Premises Supervisor or assistant is on duty and in control of the sale of alcohol. This information will be passed to the Safety Advisory Group upon request.

The name and contact details of the Designated Premises Supervisor's assistant(s) will be confirmed to the Safety Advisory Group no later than 7 days prior to the festival each year.

The Premises Licence Holder's assistant(s) and the Designated Premises Supervisor's assistant(s) must each hold a personal licence.

The first draft of the Event Management Plan ("EMP") will be produced 2 months (or such lesser period as agreed from time to time with the Safety Advisory Group) prior to the start of the Festival each year and will be submitted to the Licensing Authority and all the Responsible Authorities.

The final EMP will be submitted to the Licensing Authority and all the Responsible Authorities 14 days prior to the start of the Festival each year. No change shall take place to this document without the consent of the Licensing Authority.

EMP

Each year, a suitable and sufficient EMP must be provided to the satisfaction of the Safety Advisory Group. The Plan will be a working document providing details of how the Festival is to be conducted and how safety issues, identified in the event risk assessment, are to be addressed. The Safety Advisory Group will advise on the suitability and sufficiency of the EMP. The EMP will include an event risk assessment and provide specific details on the following areas:

- Health and Safety Responsibilities
- Venue and Site Design
- Fire Safety
- Major Incident Planning (Emergency planning)
- Communication
- Crowd Management (inc steward and security numbers and their roles)
- Transport Management

The Event Safety Co-ordinator will check that all electrical installations are certified by a competent electrician.

A copy of the certificates will be available to Herefordshire Council in the Licence Compliance Office prior to the commencement of each Festival.

Additional daily certificates for work carried out during each Festival will be obtained and will be available for inspection in the Licence Compliance Office.

The Premises Licence Holder will take all reasonable steps to ensure that all temporary structures are suitable and fit for their intended purpose and installed in accordance with the competent contractor's plans and to industry standards.

Completion and periodic inspection certificates will be provided at the Licence Compliance Office for all temporary structures (as defined by TDS) and any other elements of infrastructure or artistic installation which may present a risk to the public through collapse, prior to the commencement of each Festival.

The maximum permitted numbers in each tented structure where regulated entertainment is provided will be submitted and agreed by the Responsible Authorities prior to the commencement of each Festival.

Appropriate measures will be in place to ensure that the maximum permitted numbers are not exceeded for each tented structure.

All accessways/exits leading to and from the Licensed Premises and within the Licensed Premises, stairways if used, gates, car parks, campsites, toilet blocks and the first aid point will be illuminated by the provision of suitable lighting systems. Sufficient portable lighting equipment will be available to address any areas of inadequate lighting on the approaches to the Licensed Premises.

The Premises Licence Holder will ensure as far as is reasonably practicable that lanterns are not launched from the Licensed Premises, and will not be sold on the Licensed Premises.

A Sanitation Management Strategy will be provided to the satisfaction of Herefordshire Council's Environmental and Trading Standards Service at least 60 days prior to commencement of the Festival. Once agreed, the strategy will be implemented throughout each Festival.

Sufficient sanitary accommodation units, washing facilities and hand sanitation units will be placed in suitable locations around the Licensed Premises for the provision of sanitary and washing facilities for ticket holders throughout the Festival. This will be in accordance with guidance laid out in the Event Safety Guide or other guidance.

A Water Management Strategy for the provision of drinking water will be provided to the satisfaction of Herefordshire Council's Environmental and Trading Standards Service at least 60 days prior to commencement of the Festival. Once agreed, the strategy will be followed throughout the Festival. No significant changes will be made without consultation with Herefordshire Council

The installation will include an agreed testing policy.

Sufficient drinking water points will be placed around the Licensed Premises for the adequate supply of free, potable and wholesome drinking water for ticket holders throughout the Festival.

Provisions will be made for an alternative supply of drinking water in case of failure of planned sources of drinking water. The water systems will be installed by competent contractors. Installations will be cleaned, sterilised and free from debris prior to connection to any mains or tanked water supply.

d) The prevention of public nuisance

A Noise Management strategy will be provided to Herefordshire Council's Environmental Protection Team at least 60 days before the commencement of each Festival. The Premises Licence Holder will comply with the Noise Management Strategy each year.

The Music Noise Level (MNL) from the event must not exceed to the following noise levels when measured in a free field position at any property

Thursday to Sunday

Between 09:00- 00:00 (midnight) LAeq, 5 minutes 55 dB

Between 00:00 (midnight) - 03:00 LAeq, 5 minutes 45 dB

Between 03:00 - 05:00 LAeq, 5 minutes 40 dB

Monday

00:00 midnight - 03:00 LAeq, 5 minutes 45 dB

MNLs are to be checked by the acoustic consultant throughout the event at the following locations:

Clenchers Mill Lane, Eastnor

Valentines Cottage, Hollybush

Caves Folly Nursery, Colwall

Hancocks Lane, Little Malvern

Rose Mead, Evendine

Or at any other location notified by Hertfordshire Council to the acoustic consultant.

The Premises Licence Holder will appoint a noise consultant who will be responsible for preparing and implementing the Noise Management Strategy.

The Noise Consultant will, as part of the Noise Management Strategy, assess the positioning of sound sources pre-Festival and to monitor any changes to these positions throughout each Festival.

Any testing of sound equipment will not take place before 09.00hrs and will last for no more

than 2 hours on any one day.

The Noise Consultant must be available throughout the duration of each Festival. He is responsible for advising the Premises Licence Holder on noise levels both on and off the Licensed Premises to ensure that the Premises Licence Holder can comply with his responsibilities regarding noise levels in relation to the Premises Licence. He will be supported by a team to monitor noise throughout each Festival. The Noise Consultant shall be available for daily meetings with EHO Officers from Herefordshire Council.

The Premises Licence Holder will maintain a noise log and this will be kept in the Licensing Compliance Office and will be available at all times for inspection by Herefordshire Council or any other relevant agency.

A noise hotline will be installed and publicised so that local residents can report any noise issues directly to the Festival. All calls will be logged by time, location, and a contact number and address will be requested. The log will be kept in the Licensing Compliance Office.

All calls to the hotline regarding noise will be reported to the noise consultant. The noise consultant will travel to any relevant premises of any local resident who makes a noise complaint and who provides their location to test the levels at that point. The results of the tests and any action taken will be recorded in the noise log. The log will be available at all times for inspection in the Licence Compliance Office. The noise hotline number will be operational through out the hours of regulated entertainment.

All reasonable efforts will be made to ensure that regular communication is undertaken with local residents and local businesses via the local Parish Councils.

A Traffic Management Plan (TMP) will be drawn up for the Festival each year and will be provided to relevant agencies no later than 28 days prior to the festival. The TMP will cover all aspects of vehicle and pedestrian access to and egress from the site during the load in and load out as well as for the Festival itself. The TMP will include arrangements for vehicle routes, emergency service routes, public transport, shuttle buses, taxis, pedestrian issues, a dispersal policy, car parking and a traffic signage plan.

e) The protection of children from harm

All reasonable efforts will be made to ensure that there are no unaccompanied under 16s on the Licensed Premises.

Any unaccompanied under 16s who are found on the Licensed Premises by security will be accompanied to the Welfare Tent and dealt with from there.

Specific security personnel will be designated to look after children where required and they will be SIA licensed which incorporates a CRB check. They will work in teams of at least two and they will hand over the child to the Welfare Tent at the earliest possible opportunity.

The goal of the Lost Children Policy is to reunite each lost child with its parents or guardians. However if there is any evidence or suspicion of abuse or neglect of children, then this must be reported to the appropriate authority.

Proof of the attainment of 18 years of age will be required through production of a full or provisional photo card driving licence issued by the Driver and Vehicle Licensing Authority, by a passport or by a PASS approved ID card prior to any alcohol sale taking place or entry to age restricted areas.

Prominent notices will be displayed at the point of alcohol sales that state:

"It is an offence to purchase or attempt to purchase alcohol if you are under the age of 18 – Section 149 Licensing Act 2003".

" It is an offence to purchase or attempt to purchase alcohol on behalf of someone who is under the age of 18 - Section 149 Licensing Act 2003"

Bar staff must ask for proof of age ID whenever the customer appears to be under 18. If there is any doubt as to the age of the customer they will be refused service.

A register of refusals will be kept by each bar with the names of people who have been unable to provide required Identification to prove their age. These records will be collected in a daily basis by the Designated Premises Supervisor and made available to the Licensing Authority on request.

The Designated Premises Supervisor will brief bar security staff in the arena and the campsites bars that they should take reasonable steps to monitor the final destination of the drinks.

No bar servers will be under 18.

All reasonable efforts must be made to prevent underage drinking by placing spotters in the bar areas and by the Designated Premises Supervisor briefing all bar security as well as the bar staff to monitor for instances of underage drinking.

The Designated Premises Supervisor, security, the bar manager and other bar supervisors will also monitor the performance of the serving staff.

Any underage persons who are found arriving or on Licensed Premises with alcohol will have the alcohol confiscated by security.

A selection of soft drinks will be available to buy, along with an ample supply of free drinking water at clearly signed locations throughout the Licensed Premises.

A voluntary age verification wristband scheme may be operated for persons aged 18 and over who once they have verified their age will be provided with an additional wristband confirming their status. The details of scheme will be agreed with West Mercia Police and the Responsible Authorities.

Each bar will be run by a bar manager and this person under the direction of the Designated Premises Supervisor will be fully in control of the sale of alcohol from that bar.

Films shown on site will be either classed as a Certificate U, a Certificate PG or a Certificate 18. Films that are outside a Certificate U or PG will automatically be categorised as a Certificate 18 (for example a Certificate 15)

An announcement will be made to the audience prior to the film commencing confirming its classification status

Notices will be displayed outside the venues informing ticket holders of the age restrictions on applicable films

Spotters will be employed when films are shown to specifically conduct random underage checks of the audience.

Security will remove any underage members of the audience from the area whilst age restricted films are being shown.

Please tick yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	22/2/11
Capacity	PREMISES LICENCE HOLDER

For joint applications signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent. (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

Territorial Policing Unit – Herefordshire
Hereford Police Licensing Department
Hereford Police Station
Bath Street
HEREFORD
HR1 2HT
Direct Dial 01432 347102



0300 333 3000 ext 4702

E-mail: licensing.herefordshire@westmercia.pnn.police.uk

Our Ref:

23 March 2011

Your Ref:

Herefordshire District Council
Licensing Department
PO Box 233
Council Offices
Bath Street
Hereford HR1 2ZF

Dear Sir / Madam

REF: **Premises Licence application – The Deer Park, Eastnor, Nr., Ledbury, Herefordshire**

West Mercia Police are in receipt of an application for a premises licence for the The Deer Park, Eastnor, Near Ledbury.

In order to address the licensing objectives, West Mercia Police submit the following as representations as required by the Licensing Act 2003. In order to submit these representations, West Mercia Police have taken the view that they address the licensing objectives and in particular those of 'Prevention of Crime and Disorder' and the 'Protection of Children from Harm'. It is our view that these representations are proportionate, necessary, achievable and enforceable.

These representations replace the version (2) document submitted on 22 March 2011. For ease of reference I have highlighted the changes in red. On this occasion minor amendments have been made to points (11) (42) and (43). They have come about after discussion with the Licensing Authority to ensure clarity is given and the conditions are enforceable.

General

1. The Premises Licence only permits one event per year ('the Festival') to take place on the premises.
2. The dates of the Festival will be notified to the Safety Advisory Group at least six months prior to the Festival or such lesser period as is agreed.
3. The Festival will take place over the first or second weekend in August each year subject to unforeseen circumstances (force majeure). In the case of force majeure, dates between 1 June and 1 September must be agreed with the Safety Advisory Group.
4. The Premises Licence Holder or a nominated deputy (in writing) must be on this licensed premises and available to the Responsible Authorities and the Licensing Authority at all times when Licensable activities are taking place.

www.westmercia.police.uk

Non-emergency: 0300 333 3000

Policing Herefordshire, Shropshire, Telford & Wrekin and Worcestershire



INVESTOR IN PEOPLE



CUSTOMER SERVICE EXCELLENCE

5. Details of the Premises Licence Holder or his deputy who is on duty when licensable activities are undertaken shall be recorded, on this premises, at the time. These records shall be made available to the Licensing Authority or a Responsible Authority on demand. Such record shall be kept for a period of 12 months after the end of licensable activities. This information post event must be provided to the Licensing Authority or a Responsible Authority within 24 hours of the request.
6. The name and contact details of the Premises Licence Holder's deputy(s) will be provided to the Safety Advisory Group in writing no later than 7 days prior to the festival each year.
7. At all times there shall be one personal licence holder on this premises for each 2 bars which are open for the sale and supply of alcohol.
8. A schedule will be provided of details of the personal licence holder who is on duty and their areas of responsibilities when licensable activities are undertaken on this premises at that time. This will be made available to the Licensing Authority and or other responsible authority during the period of the event on demand. Such record shall be kept for a period of 12 months after the end of licensable activities. This information must be provided to the Licensing Authority or a Responsible Authority within 24 hours of the request.
9. The names and contact details of the personal licence holders will be provided to the Safety Advisory Group no later than 7 days prior to the festival each year.
10. The first draft of the Event Management Plan (EMP) will be produced 2 months (or such lesser period as agreed with the Safety Advisory Group) prior to the first day of the Festival each year and will be submitted to the Licensing Authority and all the Responsible Authorities.
11. The final EMP will be submitted to the Licensing Authority and all the Responsible Authorities 14 days prior to the start of the Festival each year. *The event will not take place unless the EMP has meet with the agreement of all the responsible authorities who have 5 working days to decide.* No change shall take place to this document without the consent of the Licensing Authority.
12. Each year, an EMP must be provided to the satisfaction of the Safety Advisory Group. The EMP will be a working document providing details of how the Festival is to be conducted and how safety issues, identified in the event risk assessment, are to be addressed. The EMP will include an event risk assessment and provide specific details on the following areas:
 - Health and Safety Responsibilities
 - Venue and Site Design
 - Fire Safety
 - Major Incident Planning (Emergency planning)
 - Communication
 - Crowd Management (including steward and security numbers and their roles)
 - Transport
 - Management Structures
 - Barriers
 - Electrical Installations and Lighting
 - Food and Alcohol
 - Water
 - Merchandising and Special Licensing
 - Amusements,
 - Attractions and Promotional displays
 - Sanitary Facilities
 - Waste Management
 - Sound: Noise and Vibration
 - Special Effects, Fireworks and Pyrotechnics
 - Camping
 - Facilities for People with disabilities
 - Medical, Ambulance and First Aid Management

- Information and Welfare
- Children - including Lost Children's Policy
- Performers
- TV and Media

13. Each year the Festival must take place in accordance with the Final EMP produced for the Festival following approval by the Licensing Authority.
14. Prior to each Festival a Table Top Exercise shall take place involving the Premises Licence Holder or nominated deputy together with staff nominated by him and the Safety Advisory Group. Such exercise shall take place within the two weeks prior to the first day of the Festival or a greater period if agreed by the Safety Advisor Group.

THE PREVENTION OF CRIME AND DISORDER

15. The Premises Licence Holder or nominated representative (in writing) will meet with the on duty operational commander at least once a day during the Festival each year.
16. West Mercia Police and the Premises Licence Holder will agree 28 days prior to the first day of the Festival all issues they required to be reported immediately to them during the duration of the event. This agreement will be provided to the Licensing Authority at least 14 days prior to the first day of the Festival
17. A special policing services request will be made by the Premises Licence Holder to West Mercia Police, this will be submitted at least 3 months prior to the first day of the Festival. From 2012 and subsequent years, this request will be submitted at least 5 months prior to the first day of the Festival.

Security and Stewards

18. A Security Control will be provided on site which will house the CCTV cameras and operator.

Numbers of Personnel

19. A written schedule shall be provided, 3 months prior to the start of the event, of the number and position of SIA Security personnel to be employed on site by hour of day, during the period the premises is licensed for licensable activities. Such schedule must be agreed by the event operational commander of West Mercia Police at least 14 days prior to the first day of the festival
20. A written schedule shall be provided, 3 months prior to the start of the event. of the number and position of personnel to be employed as Stewards on site by hour of day during the period the premises is licensed for licensable activities Such schedule must be agreed by the event operational commander of West Mercia Police at least 14 days prior to the first day of the festival.
21. The Premises Licence Holder or DPS or a person nominated by them in writing for the purpose, shall maintain a register of door supervisors which shall be kept on the premises showing the names and addresses of the door supervisors, their badge numbers. The register shall be made available on demand for inspection by Police, Licensing Authority or an authorised officer of the Security Industries Authority.

CCTV

22. CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition.

Cameras shall encompass all ingress and egress to the premises, external perimeter fire exits (if not staffed by stewards or SIA staff) and public camping areas.

Additionally the Premises Licence Holder will have in place at least one SIA door staff member who will wear and operate 'body worn video' camera or a hand held digital recording camera. They will be located as a default at each licensed bar area during licensable hours where static cameras do not

provide cover. They will have the capacity to deploy to any incidents at other locations where required, but must return to their default position afterwards. Camera operators will be trained in use of the equipment and record incidents where they feel appropriate. The only exception for use of these cameras will be in the area of the 'guest/artists' bars which have restricted and controlled access.

Equipment MUST be maintained in good working order, be correctly time and date stamped, recordings MUST be kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police on demand.

The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format disc to the Police on the direction from the operational commander during the duration of the event or from any other member of West Mercia Police post event or the Local Authority on demand.

The Recording equipment and discs shall be kept in a secure environment under the control of the DPS or other responsible named individual. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.

In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police on contact number 0300 333 3000 immediately.

23. Representatives of all security and steward firms will meet with the Security Co-ordinator on site at least once daily throughout the Festival.
24. No person under the age of 18 years will be employed as stewarding personnel.
25. No person under the age of 21 years will be employed as SIA badged staff.
26. No security staff or stewards are to consume or be under the influence of alcohol or drugs whilst working. They shall be fit to carry out the duties required of them.

Security Uniforms and Security Logs

27. All security and stewarding personnel will be readily identifiable by means of a tabard bearing a job title and a conspicuous unique personal identification number. This identification number will be displayed prominently on the front and rear and will be at least 30mm high and the width of the written number shall be at least 10 mm.
28. The details of the uniform(s) to be worn by the security and stewarding personnel will be provided 3 months prior to the first day of the Festival and approval of West Mercia Police be given within 14 days of receiving the information.
29. No person shall perform the role of stewarding personnel without wearing a tabard.
30. No person shall perform the role of security personnel (apart from a plain clothed team) without wearing a tabard. All plain clothes security personnel shall carry an identity badge issued by the Festival Republic confirming that they are security personnel which shall be produced to a member of the Licensing Authority or Police on demand.
31. West Mercia Police will be informed of onsite security and steward briefings and may attend if they wish.
32. An incident log must be kept at the premises, and made immediately available on request to an authorised officer of the Licensing Authority or the Police, which must record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received
 - (d) any incidents of disorder

- (e) seizures of drugs or offensive weapons
- (f) any faults in the CCTV system or searching equipment or scanning equipment
- (h) any visit by a relevant authority or emergency service

33. Secure and safe systems are to be in place for the storage of items seized. These systems are to include secure methods of storing any drugs or weapons seized or found and procedures for handing the items over to the responsible authority where required. In addition records of seizure are to be kept in the incident book and made available to the Licensing Authority on demand or to the police on authority of the operational commander during the duration of the event or to any authorised person of West Mercia Police post event

Transport

34. A Traffic Management Plan (TMP) will be drawn up for the Festival each year and will be provided to relevant agencies no later than 28 days prior to the festival. Such plan shall be agreed by the Safety Advisory Group. The TMP will cover all aspects of vehicle and pedestrian access to and egress from the site during the 'load in and load out as well as for the Festival itself. The TMP will include arrangements for vehicle routes, emergency service routes, public transport, shuttle buses, taxis, pedestrian issues, a dispersal policy, car parking and a traffic signage plan. In addition it will ensure that sufficient trained marshals are available for the management of public transport (for hire or reward) on site and in particular private hire or licensed taxis.

THE PROTECTION OF CHILDREN FROM HARM

Under 16s

35. Any unaccompanied person under the age of 16 years found on the Licensed Premises will be accompanied to the Welfare Tent. This task will be undertaken by at least 2 members of staff.
36. No unaccompanied person under the age of 16 years shall be permitted on the Licensed Premises.

Criminal Records Bureau (CRB) Check

37. Any personnel whose role involves the looking after of children or vulnerable adults shall have a current CRB (dated within the 9 month period preceding the first day of the Festival).
38. No person shall be involved in this role unless the CRB shows 'None Recorded' against the following categories:
- Police Record of Convictions, Cautions, Reprimands and Warning
 - Information from the list held under Section 142 of the Education Act 2002
 - ISA Children's Barred List Information
 - ISA Vulnerable Adults Barred List Information
 - Other relevant information disclosed at the Chief Police Officer(s) discretion

39. The name, date of birth and address together with a copy of the CRB shall be supplied to the Licensing Authority 2 weeks prior to the first day of the festival.

Lost Children Policy

40. The goal of the Lost Children Policy is to reunite each lost child with its parents or guardians. However if there is any evidence or suspicion of abuse or neglect of children, then this must be reported to the appropriate authority.

Age Verification

41. The premises shall operate a Challenge 21 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of the Licensing Authority or Police. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least once every 5 metres behind any bar advertising the scheme operated.
42. In conjunction with point (41) above, proof of the attainment of **21** years of age will be required through production of an **approved** national identity photo identity card, full or provisional photo card driving licence, or by a photo passport prior to any alcohol sale taking place or entry to age restricted areas.
43. Bar staff must ask for proof of age ID whenever the customer appears to be under **21**. If there is any

doubt as to the age of the customer they will be refused service.

44. Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed stating that: It is an offence to purchase or attempt to purchase alcohol if you are under the age of 18 - Section 149 Licensing Act 2003.
45. A register of refusals will be kept by each bar with the names of people who have been unable to provide required Identification to prove their age. These records will be collected in a daily basis by the Designated Premises Supervisor and made available to the Licensing Authority on request.
46. The Designated Premises Supervisor will brief bar security staff in the arena and the campsites bars that they should take reasonable steps to monitor the final destination of the drinks and where it would appear that supply is being made to a person under the age of 18 years take steps to prevent the consumption by that person.
47. No bar servers will be under 18.
48. The Designated Premises Supervisor, the bar manager and other bar supervisors will monitor the performance of the serving staff to ensure adherence to the licensing laws.
49. Any underage persons who are found arriving at or on the Licensed Premises with alcohol will have the alcohol confiscated by security.
50. A selection of soft drinks will be available to buy, along with an ample supply of free drinking water at clearly signed locations throughout the Licensed Premises.
51. Each bar will be run by a bar manager and this person under the direction of the Designated Premises Supervisor will be fully in control of the sale of alcohol from that bar.
52. All staff shall be trained prior to undertaking any sale of alcohol on the premises. The training shall included:
 - Drugs Awareness
 - Conflict resolution
 - Selling to under age person
 - Selling to drunks

Such training will be recorded and records shall be kept at the premises which will be produced to an authorised officer the licensing authority or the police on demand.

These representations are the minimum conditions West Mercia Police would wish to see on an premises licence granted to The Deer park, Eastnor, Nr Ledbury

Yours faithfully,

Jim Mooney
Police Licensing Officer
Herefordshire TPU

Noise

A Noise Management strategy as approved by Herefordshire Council must be provided at least 60 days before the commencement of each Festival. The Premise Licence Holder must comply with the Noise Management Strategy.

The Noise Levels (NL) from the event must not exceed the following noise levels when measured in a free field position (defined as 3.5 metres from any reflecting surface other than the ground at a height of 1.2 to 1.5 metres)

Thursday to Sunday

Between 09:00 – 00:00 (midnight)	L _{Aeq} , 5 minutes 55dB
Between 00:00 (midnight) – 02:00	L _{Aeq} , 5 minutes 45dB
Between 02:00 – 05:00	L _{Aeq} , 5 minutes 40dB

Monday

00:00 midnight – 02:00	L _{Aeq} , 5 minutes 45dB
02:00 – 03:00	L _{Aeq} , 5 minutes 40dB

In addition between 02:00 and 09:00 Thursday to Sunday and 02:00 and 03:00 on Monday 'noise' from the festival should not be 'audible or discernable' within any occupied permanent structure where people normally reside or sleep, when assessed with windows and doors closed. 'In these conditions; 'Noise' - is defined as sound which is created by entertainment consisting of either vocal (recorded or live) or instrumental music (recorded or live) or a combination of both. Audible or discernable' - is defined as 'noise' which is distinct above the general hubbub of activity on the site which can be identified by the human ear as originating from discrete sources from the licensed site'

NLs are to be checked at the intervals as agreed within the Noise Management Strategy at the following locations:

- Clenchers Mill Lan, Eastnor
- Valentines Cottage, Hollybush
- Caves Folly Nursery, Colwall
- Hancocks Lane, Little Malvern
- Rose Mead, Evendine

Or at any other location notified by Herefordshire Council to the premise licence holder or his deputy

Any testing of sound equipment will not take place before 09.00hrs and will last for no more than 2 hours on any one day

The Noise Consultant shall be available for daily meetings with EHO Officers from Herefordshire Council

The Premises License Holder will maintain a noise log and this will be kept in the Licensing Compliance Office and will be available at all times for inspection by Herefordshire Council

A noise hotline will be installed and publicised so that local residents can report any noise issues directly to the Festival. All calls will be logged by time, location and contact number and address will be requested. The log will be kept in the Licensing Compliance Office

All calls to the hotline regarding noise will be reported immediately to the on duty representative from the local authority. The log will be available at all times for inspection in the Licence Compliance Office. The noise hotline number will be operational throughout the hours of regulated entertainment.

Liaison with Local Residents and Local Businesses

The premise licence holder or his deputy will communicate with the local Parish Councils of Eastnor and Donnington, Castlemorton, Birtsmorton, Wellington Health, Colwall, Bosbury &

Coddington and Ledbury Town Council (and any other parish council added by the Licensing Authority and notified to the premise licence holder in writing) at least 2 months prior to the start of the festival and within 2 months of the last day of the festival

PUBLIC SAFETY

Event Safety Coordinator

1. The Premises Licence Holder will appoint an Event Safety Co-ordinator who will be able to authorise and supervise safety measures.
2. The Event Safety Co-ordinator will be responsible for:
 - Monitoring of contractors
 - Liaison with contractors
 - Checking of method statements and risk assessments
 - Preparation and monitoring of site rules
 - Safety inspections and audits
 - Collection and checking of completion certificates *
 - Communication of safety information to contractors and employees *
 - Monitoring and coordinating safety performance *
 - Coordinating safety in response to a Major Incident
 - Liaison with nominated officers from Herefordshire Council
3. The name and contact details of the Event Safety Co-ordinator will be supplied via the Safety Advisory Group no later than 14 days prior to the start of each Festival.

Responsible Authorities Office

4. The premises Licence Holder will provide a portacabin where one person from each of the Responsible Authorities will be offered a place to maintain a presence on the Licensed Premises

Electrical wiring and distribution systems

5. Temporary electrical wiring and distribution systems shall be signed off by a competent person prior to any licensable activity taking place at the premises. The competent person must be a member of a recognised electrical association such as NICEIC, NAPIT, ECA or other association as agreed by the licensing authority. The sign off certificates shall be available for inspection in the Licence Compliance Office located on the licensed premises.
6. Any additional electrical work required after the event has commenced shall be signed off by a competent person. The competent person must be a member of a recognised electrical association such as NICEIC, NAPIT, ECA or other association as agreed by the licensing authority. The sign off certificates shall be available for inspection in the Licence Compliance Office located on the licensed premises.

Structures

7. The Premises Licence Holder will ensure that all temporary structures and any other elements of infrastructure or artistic installation has been inspected and signed off as being safe prior to any licensable activity taking place at the premises.
8. A copy of each safety sign off certificate shall kept at the Licence Compliance Office and shall be made immediately available to an authorised local authority officer.
9. The maximum permitted numbers in each enclosed tented structure where licensable activities are to be provided will be submitted and agreed by the Responsible Authorities prior to the commencement of each Festival.
10. This figure will not be exceeded.

11. A system shall be in place which is capable of showing the number of persons in any enclosed tented structure at any one time. This number shall be given immediately on demand to an officer from the Licensing Authority or police.

Special Effects

12. The installation and use of laser beams, pyrotechnics or real flames, explosive or highly flammable or smoke/foam producing agent, for any purpose shall not be permitted without prior notification to the Licensing Authority. A detailed description of the method of use, shall be made to the Licensing Authority not less than 14 days prior to the day on which the above equipment is to be used.

Lanterns

13. The Premises Licence Holder will ensure that paper/material lanterns are not launched from the Licensed Premises, and are not sold on the Licensed Premises.

Sanitary Facilities

14. A Sanitation Management Strategy will be provided to the satisfaction of Herefordshire Council's Environmental and Trading Standards Service at least 60 days prior to commencement of the Festival. Once agreed, the strategy will be implemented throughout each Festival.

Water

15. A Water Management Strategy for the provision of drinking water will be provided to the satisfaction of Herefordshire Council's Environmental and Trading Standards Service at least 60 days prior to commencement of the Festival. Once agreed, the strategy will be followed throughout the Festival. No significant changes will be made without consultation with Herefordshire Council.

Price, Janet

From: John Andrews [REDACTED]
Sent: 18 March 2011 12:48
To: Licensing
Subject: Licence application for The Big Chill

Dear Sirs,

I am writing to object to the issue of a permanent licence for The Big Chill event. The granting of an **annual** licence gives the organisers an incentive to adhere strictly to the terms of that licence, as to do otherwise might jeopardise their application in a subsequent year. I am sure it is possible to revoke a licence, but that places the onus on the community to prove a case against the organisers. This would be the wrong way round; the organisers should be required to demonstrate their ability and intention not to create a nuisance.

The details of the noise levels, as available to the public, are unhelpful and inadequate. Further information, including noise levels from previous years should be made available. The application is inadequate.

Please register my objection on these two grounds.

This application needs serious consideration, as it last for four days continuously and continues until 3am in the morning. The potential for disturbance to residents is enormous.

My address is: 6 Stone Close, Colwall

Please advise promptly if you require to receive this objection by post.

Yours,
John Andrews

Licensing Section
Herefordshire Council
233 Bath Street
Hereford
HR1 2ZF

Dr Simon Cole
Llamedos
Blackheath Way
Malvern
WR14 4DR

21 March 2011



Dear Madam/Sir,

I write in connection with the application by Mr M J Benn regarding the Big Chill.

I live in West Malvern and for a number of years have experienced disturbance over the weekend of the Big Chill Festival. In spite of it being **five miles** from West Malvern, it is possible to hear some noise from the Festival at some time during the weekend. If the wind is unfavourable, it is possible to hear the music clearly. The last night is often the worst; indeed last year, the noise level throughout the last night, up to 4am Monday, was such that it was audible through our closed double glazed windows. I contacted Herefordshire environmental health, who told me that the monitored sound levels were within their required limits. They suggested that perhaps the wind conditions, or possibly the lack of wind, were responsible for my observation. I expressed surprise that such common environmental factors and local conditions are not taken into account in setting the limits. I know of others in West Malvern who are disturbed and some who actually make a point of going away over the time to avoid the noise. I gather that people in Colwall are similarly affected.

I do not object to the event itself, but it seems to me that it is allowed to be too loud; there is ample local evidence that it is being permitted to cause noise disturbance to local people. Surely it is not acceptable that:

- People five miles away routinely experience disturbance;
- Local council tax payers should have to vacate their homes to avoid the festival;
- The noise continues until such a ridiculous time on Monday morning, when many people have to go to work.

I trust you will consider these points in respect of the application.

Thank you



Cc West Malvern Parish Council, Colwall Parish Council

Little Hill
Evendine Lane
Colwall
Herefordshire
WR13 6DT

Licensing Section
Herefordshire Council
PO Box 233
Bath Street
Hereford HR1 2ZF

By email and post

17th March 2011

Dear Sirs,

Licensing Act 2003 – application by M J Benn for 4 – 8th August 2011

I write formally to object to the application made on 23rd February 2011 for the 2011 Big Chill Event and request that it is refused in its present form.

I object to the lengthening of time allowed for music to be played and to the clause in the application that from now on the Licensee would not have to apply annually – he would have permission for 6 days in perpetuity. I would ask that the noise be turned off at the latest at 1 a.m. in the morning, that the decibels allowed be reduced considerably and that the License is reviewed annually.

For a number of years I have complained about the noise levels and length of time of high noise levels at my property during this event and although some monitoring took place last year 60 feet below my property and under the lea of a wooded area, proper monitoring where we live has not taken place. I can say, without exaggeration, that I can hear every word and every drum beat when the wind is in our direction. The Malvern Hills and limestone ridge on which I live has a particular auditory effect on sound coming from Eastnor. It funnels along the side of the hills and reaches us very loud and very clear and it is impossible for us to get any sleep.

Yours sincerely,

Susan A Doswell (Mrs)

CHRIS MORTON

"Rosemead", Evendine Lane, Colwall, near Malvern WR13 6DT

Licensing Section,
Herefordshire Council,
PO Box 233,
Bath Street,
HEREFORD HR1 2ZF



17th March 2011

Dear sirs,

Licensing Act 2003 - application by M.J. Benn for 4-8th August 2011

I formally object to the application made on 23rd February 2011 for the 2011 Big Chill Event and request that it is refused *in its present form*.

I also formally object to the additional section of the application applying for a 6 day event in "August or such other dates agreed" for "each year thereafter" and request that it is *refused outright*.

The scale of the event and ramifications of the application are greater than that for which a normal license procedure applies and it should be examined by a Council Committee irrespective of objections or support and the results minuted. I emphasise that I do not object to younger people being able to camp in the countryside and enjoy; just to it continuing all night, which I do not think essential.

Last year's proposed control of public nuisance by a schedule of noise levels was totally ineffective* and raising last year's levels three- or four-fold, as this year's application seems to, is hardly likely to help. I assert that the only effective form of control should be by fixed time limits for performances; I suggest ending at 12.30am with perhaps 1 night at 1.00am.

We have been playing "cat and mouse" on this for at least 4 years. Each year we are put off from complaining too strenuously by being assured that effective monitoring will take place. All that has happened is that more effort has been put into the Public Relations. Normal politeness and embarrassment that council employees have to be on call deters one from phoning in with complaints in the middle of the night. The nuisance caused is almost certainly much greater than that reflected in calls actually made.

It would help if the full details of the license *as given after consultation* with the 'safety committee' were made public at all times and a log was published of the complaints made and breaches of conditions of license.

I suggest no undertakings are made about licensing for future years until the results of monitoring and complaints are available for at least 2 consecutive years, preferably 3, to take account of varying weather conditions.

yours sincerely,

- * the reference noise level for monitoring in this area was taken at a time of considerable commuter traffic on the intervening A449 and not at a time when people would normally be sleeping. The noise levels at a particular place were more a function of the wind strength and direction than noise levels at source
- * prima facie evidence is that the noise limits given to the parish council were significantly exceeded on the night of 6th/7th August 2011 from early evening onwards and, that when we complained at 2.50am, the noise was reduced but not until after 3am. On the night Sunday 8th-Monday 9th August noise was clearly audible through till around 6am, thus exceeding both time and noise limits. No doubt there was a similar situation on the other nights in different down-wind parishes

HEREFORDSHIRE COUNCIL
Licensing Act 2003

REPRESENTATION FORM – INTERESTED PARTIES

On making your representation please have regard to the 'Making Representations Guidance Notes' which further explains the process and the information that can be considered by the licensing authority.

When completing this form please print clearly and legibly.

Please return this form, and any additional information within the statutory period to:
The Licensing Section,
County Offices,
PO Box 233,
Bath Street, Hereford,
HR1 2ZF
 licensing@herefordshire.gov.uk

Your Name: Karen Davis Clerk to Colwall Parish Council	Contact Telephone No. [REDACTED]
Address: Humble Bee Hall Hollybush Ledbury Herefordshire HR8 1ET	E-mail address: [REDACTED] Please state your interest in the premises you are making a representation about: The Parish Council has been asked to make this representation on behalf of the following residents of Colwall : John Mills, Mill Lane, Colwall Edith Haynes, Mathon Road, Colwall Barry Ashton, Old Church Road Colwall John Morris, Meadow Walk, Colwall William Leaper, Evendine Lane, Colwall John Cooney, The Crescent, Colwall Roy Stockton, Walwyn Road Colwall Lillian Stockton, Walwyn Road Colwall Chris Morton, Evendine Lane, Colwall Susan Doswell, Evendine Lane, Colwall
Name & Address of premises you are making a representation about: Big Chill, The Deer Park, Eastnor, Ledbury HR8 1RQ	

DATA PROTECTION ACT 1998. Please indicate by ticking here if you are not content for your personal details to be circulated as necessary prior to any hearing .

A representation must reflect one or more of the licensing objectives, therefore please write the details of your representation in the relevant boxes below:

<p>To Prevent Crime & Disorder</p>
<p>Public Safety</p>
<p>To Prevent Public Nuisance The residents objections to the application are as follows and relate to the public nuisance of noise :-</p> <p>1. The application is for a permanent premises licence for a period of 6 days. Pre 2009 the music festival had been for 4 days , increasing to 5 days in 2009 for a one off event "the Zombie film" for which there was no music to cause public nuisance. In 2010 the event was again granted a licence for 5 days and music was evident on all 5 days/nights causing a public nuisance into the early hours of the morning on Friday, Saturday, Sunday and Monday. Now in 2011 this is to be increased yet again this time to 6 days and also for a permanent licence. If this is granted there will be no opportunity for it to be revoked ir-regardless of what public nuisance it causes the 2000+ residents in the village of Colwall which is directly affected by the music festival.</p> <p>2. The current application is for the playing of music until 5am on Friday, Saturday, Sunday, and 3am on Monday. Irregardless, of what noise levels are proposed, the highest noise levels transmitted ignore the offensive and invasive nature of music festivals (also known as the base beat). It is totally unreasonable that the 2000+ local residents should be submitted to the continuous sound of the music and base beat until 5am or 3am over 4 continuous nights. In 2010, due to the topography, areas of the village could clearly hear the music which kept them awake (an extract of an email I received about the noise levels is set out below).</p> <p>"On Friday evening 6th August 2010 the wind was from the South to SSW with strong gusts. There was thus considerable continuous noise, mostly the bass drum beat with intermittent much louder waves including voice from around 6pm Friday through to after 10pm when we tried to get to sleep for the first time. This was noted continuing at around 12 midnight and 2am Saturday 7th August 2010 when we happened to wake up and finally at 2.50am when we hoped it might have died down enough so we could open a window. However, the base level noise still continued and I phoned the Complaints line. The response seemed to be that something MIGHT be done IF it was confirmed the noise was above the specified limit, but with no clear idea as to how this might be established".</p> <p>Many residents find the noise so offensive they move out over the weekend out of total despair.</p>
<p>To Protect Children from Harm</p>

Signed: K Davis – Clerk to Colwall
Parish Council 23/3/2011.

If you have any queries about this form or are unsure of when the statutory period ends please contact the Licensing Helpline on 01432 260105



Representation Form – Interested Parties Suggested Conditions

Premise: Big Chill, The Deer Park, Eastnor, Ledbury HR8 1RQ

Your name: Karen Davis – Clerk to Colwall Parish Council.

It would help us with this application if you could suggest conditions you would be happy for the premise to operate under to rectify the problems you are experiencing.

All suggested conditions shall be considered in line with the Herefordshire Council Licensing Policy, the Licensing Act 2003 and the Licensing Objectives.

To Prevent Crime and Disorder
Public Safety
Prevent Public Nuisance <ol style="list-style-type: none">1. The licence should be a temporary premises licence. This will enable members of the public to be consulted should M Benn apply for a further licence(s). Should the licence be granted as a permanent premises licence there will be no right for further public consultation ir-regardless of any public nuisance caused by the event.2. The licence should be for a 5 day not 6 day event (as previously). Whilst it is not currently proposed that the music starts before 12.00 on Thursday the 4th August 2011. If members of the pubic are encouraged to “park at the event”, consume alcohol and take light refreshments from 14.00 on Wednesday the 3rd August, it will only be a matter of time before “they need to be entertained” and that will involve music and the public nuisance of noise.3. The transmission of music, be it live or recorded, should cease at 00.30 on the 5th, 6th, 7th and 8th August.2011. Other music festivals e.g. Glastonbury have this restriction on the licence to play music of 00.30. That way those attending the festival can have a good evening of entertainment and the local residents can have a quiet nights sleep (be if after 00.30).

Protect Children from Harm

Signed: K Davis Clerk to Colwall Parish Council

Date: 23/3/2011

If you have any queries about this form or are unsure of when the statutory period ends please contact the Licensing Helpline on 01432 260105

23/ 3/2011 16:23 SAM

For the attention of:

The Licensing Section
Herefordshire Council

*Please find attached a letter from Castlemorton Parish Council in
response
to the Licence Application submitted to Herefordshire Council on
behalf of
Festival Republic for the grant of a licence to operate a premises at
the
Big Chill, The Deer Park, Eastnor Castle, Ledbury. *

**
*Please confirm receipt *of* this letter.*
**

Thanking you in anticiaption

Christina Leake
Clerk to Castlemorton Parish Council

Castlemorton Parish Council

Please respond to:

Christina Leake (Mrs)
Clerk to Castlemorton Parish Council
Cutlers Farm
Castlemorton
Malvern
Worcs
WR13 6LT



Licensing Section
Herefordshire Council
County Offices
PO Box 233
Bath Street
Hereford
HR1 2ZF

22nd March 2011

Dear Sir,

Licensing Act 2003

Notice of Application for Grant/Variation Premise Licence Club/Club
Premises Certificate.

Application from Festival Republic for the Grant of a Licence to
operate a premises at The Big Chill Eastnor Castle Deer Park
Herefordshire.

The consensus of opinion from Councillors of Castlemorton Parish
Council, adjacent to and to the east of Eastnor, that also reflects
the opinion of some parishioners, is summarised as follows:

There is not opposition to the Big Chill per se but to some of the
terms in this application.

- 022 The application should be on an annual basis or limited term
- 022 The hours during which high levels of noise are emitted should
not extend to 5.00am.
- 022 Some independent monitoring of noise levels should be undertaken
for future reference.

We hope that the Herefordshire Council, Licensing Section will give
consideration to these items from Castlemorton Parish when granting a
licence.

Yours faithfully

Christina Leake (Mrs)
Clerk to Castlemorton Parish Council

23/3/11 - SAM Passed on to JOL

Humble Bee Hall
Hollybush
Ledbury
HR8 1ET

23 March 2011

The Licensing Section
County Offices
PO Box 233
Bath Street
Hereford
HR1 2ZF

Dear Sirs

Re: Big Chill Festival, The Deer Park, Eastnor, Ledbury HR8 1RQ

I am writing to register my objection on the grounds of **Public Nuisance** by way of **Noise** in respect of the premises licence application relating to the above.

1. The application is for a permanent premises licence for a period of 6 days. Previously this was a 4 day event with 3 days and nights of music causing a public nuisance into the early hours of the morning which was bad enough. Now in 2011 it is proposed that this is to be increased to 6 days thereby extending the potential period of Public Nuisance.
I am given to understand that if this licence is granted there will be no opportunity for it to be revoked irregardless of what public nuisance it causes me or the thousands of residents in the surrounding villages which are directly affected by the music festival.
2. The current application is for the playing of music until 5am on Friday, Saturday, Sunday, and 3am on Monday.
Regardless of what noise levels are proposed, the highest noise levels transmitted ignore the most offensive and invasive nature of music festivals namely the base beat.
It is totally unreasonable that I and local residents should be submitted to the continuous sound of the music and base beat until 5am or 3am potentially over 4 or 5 continuous nights.
Last year the noise caused me to suffer sleep deprivation to such an extent that I was unfit to be able to safely drive to work on the Monday

If a license is to be granted then I would suggest that the following restrictions be imposed;

1. The licence should be a temporary premises licence and be reviewed each year to enable members of the public to be consulted should applications for further licences be made. If the licence is granted as a permanent premises licence there will be no right for further public consultation irregardless of any public nuisance caused by the event.

Cont.

2. The licence should be for a maximum of 5 days and not a 6 day event. Whilst it is not currently proposed that the music starts before 12.00 on Thursday the 4th August 2011. If members of the public are encouraged to "park at the event", consume alcohol and take light refreshments from 14.00 on Wednesday the 3rd August, it will only be a matter of time before "they need to be entertained" and that will involve music and the public nuisance of noise.
3. The transmission of music, be it live or recorded, should cease at 00.30 on the 5th, 6th, 7th and 8th August.2011. I understand that other music festivals such as Glastonbury have this restriction on the licence to play music of 00.30.

Additionally I am given to believe that the decision regarding this licence application is a "delegated decision". Considering the magnitude of the event, the fact that this is a permanent licence request and the number of local residents affected by it I find it inconceivable that this application is not to be considered by committee.

Yours faithfully

B R Davis

Copy for information and action

Mr Melvin Benn
Festival Republic
35 Bow Street
Covent Garden
London
WC2E 7AU

Dr Simon Cole
Llamedos
Blackheath Way
Malvern
WR14 4DR



03 April 2011

Dear Mr Benn,

Thank you for your letter of 30 March responding to my representation to Herefordshire Licensing concerning the Big Chill.

I am delighted that you take the issue of noise nuisance seriously and that you propose to tighten things up compared to the 2010 event. I have the following points to make:

- Five miles is a long way from a music event for residents to be even having to think about noise issues. This may be influenced by local geography (the hills) which needs to be factored in.
- The prevailing winds are such that Colwall and the Malverns, both populous areas, are likely to be affected.
- In August, people generally need to have windows open for comfort.
- Music is more attention-grabbing than other noise (such as traffic) and is more difficult to ignore, so I believe more stringent restrictions need to be imposed on music noise nuisance.

In response to your request that I withdraw my representation, I would say that what I did in my original letter is state my observations following the 2010 Big Chill; I do not withdraw them. I believe the 2010 event was the first under your firm's management. Your proposals for improvement are encouraging and I do not doubt your sincerity but they are, at this point, just good intentions. The proof of the pudding, as they say, will be the 2011 event. I am opposed to your being granted a permanent licence for the event if this weakens in any way the influence that local residents have over future festivals. I leave it to the Herefordshire licensing department to assess whether this is the case.

Yours sincerely



Cc Herefordshire Council Licensing Department

Humble Bee Hall
Hollybush
Ledbury
HR8 1ET

5 April 2011

The Licensing Section
County Offices
PO Box 233
Bath Street
Hereford
HR1 2ZF

Dear Sirs

Re: Big Chill Festival, The Deer Park, Eastnor, Ledbury HR8 1RQ

Further to my letter of 23 March regarding the Licence Application relating to the above I am very surprised to have received a lengthy letter direct from the festival organisers, which does not propose any amendments to their application, but does however invite me to withdraw my objection.

I wish to clarify that all of the objections I raised still stand, they are not withdrawn and furthermore that I will only correspond directly with you on this matter.

Today I have received a further letter direct from Festival Republic, this being more forceful and pushing for a meeting to discuss their application. I can advise you that I have no intention of discussing the application other than with you, the licensing authority.

I look forward to receiving notice of the hearing date when this matter can be discussed with the licensing committee of Herefordshire Council.

In excising my democratic right to raise an objection to a licence application I did not expect to be subjected to harassment from the applicant to try to get me to withdraw my objection. It seems to me that they are trying to avoid a committee hearing by any method they can and attempting to intimidate me and other members of the public.

As such I am making a formal complaint as to their actions, which must bring further questions as to the judgement, motives and ethics and I am even more concerned about entrusting them with anything other than an annual licence with strict conditions. I trust this too will be taken into account by the licensing authority.

Yours faithfully

B R Davis

Spriggs, Fred

From: Poole, Ady
Sent: 05 April 2011 10:58
To: Spriggs, Fred
Subject: FW: The Big Chill Application
Attachments: grad.jpg

Fred
Another fyi re big chill
Copy printed to file
Ady

Adrienne Poole
Licensing Assistant
Environmental Health and Trading Standards
Council Offices
PO Box 233 Bath Street
Hereford
HR1 2ZF

01432 260549

From: Jim Beard [REDACTED]
Sent: 05 April 2011 10:39
To: Licensing
Subject: The Big Chill Application



The Licensing Authority

RE: The Big Chill application.

Dear Sir or madam,

I have recently had a conversation with the Festival Republic Organisation being the applicants for the license. This stems from my stance at a Colwall Parish Council meeting as reflected in the Planning and Development Committee minutes of 16/3/2011.

I feel that I must make my meanings clear to you as it seems that a lot of what happened at the meeting was not conveyed to make it relevant although I do not wish to take issue with the matter..

The most important point is that I do not feel that the conclusions of that meeting are representative of the Parish. Apart from the presence of 3 parishioners and the committee, no attempt has been made to seek the opinion of the Parish and no attempt as been made to seek a public meeting with Festival Republic.

My opinion is that taken as a whole, the village benefits from the Big Chill Festival. There is money going in to local business and there are work opportunities for the residents should they wish to take it up.

There are tickets at a discount rate for residents and I know of at least 50 people have taken up the offer and what is more important, are looking forward to repeating the experience this year.

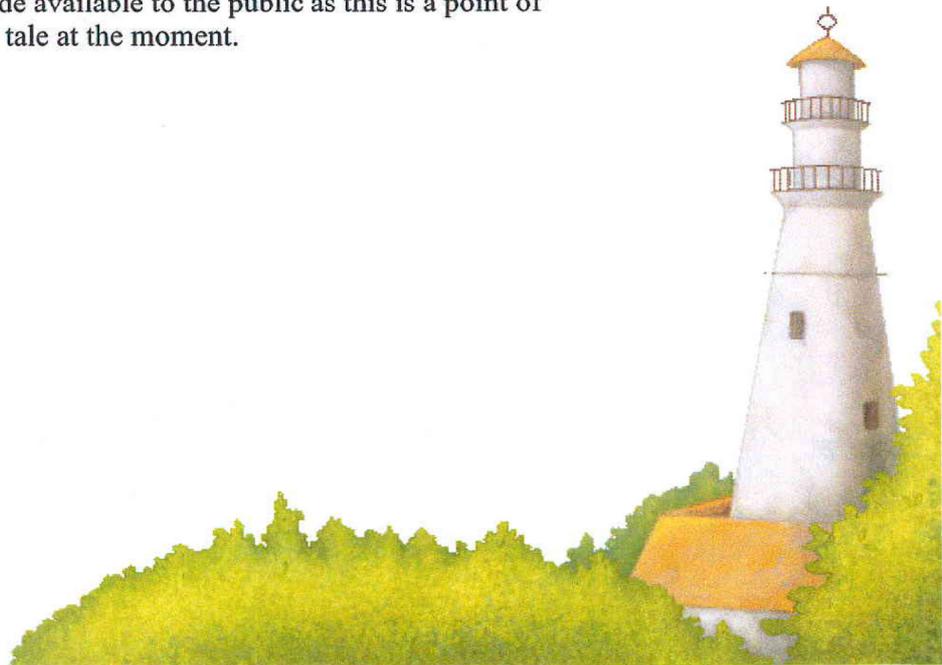
Last year the village school received the donation of ticket profits and this year are taking an opportunity to work on projects around the Festival.

Obviously there is a certain amount of noise that may affect some individuals more than others. Living at my address, I have had no problem and I had to strain to hear anything from the festival grounds. However, no one in this village has attempted to have the local railway line shut on the grounds that it goes past my house and does generate an awful amount of noise at 5.05am Monday to Friday and 6.05 am on Saturday. Neither would I expect anyone so to do.

I do not agree that the license application should be open ended as I feel that the Authority will lose an opportunity to monitor the situation on an annual basis should anything untoward happen. I also feel that any question of noise should be backed up with meaningful readings of decibel levels and made available to the public as this is a point of misinformation and folk tale at the moment.

Yours Sincerely,

Jim Beard
11 Brookside
Colwall
Herefordshire
WR13 6QU



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Spriggs, Fred

From: John Andrews [REDACTED]
Sent: 05 April 2011 15:21
To: mwillimott@HEREFORDSHIRE.GOV.UK; Spriggs, Fred
Subject: Big Chill licence application

Gentlemen,

I have received yet another letter from Festival Republic, this time offering a meeting. I do not wish to meet them and it is not me they need to convince; it is the licensing authority. My objection stands and I'm sure the authority will take it into consideration.

I am, however complaining about the way that I am being harassed by Festival Republic. I exercised my right to make an objection to the Council and did not expect to receive these letters (and why were they sent in an intimidating 'recorded delivery' form?). If this were a planning application, I would not be harassed by the applicant. Indeed, the action of Festival Republic must cast doubts on their judgement and business mores and I am even more concerned about entrusting them with anything other than an annual licence with strict conditions. Would you kindly submit this email to your Committee, which I hope will take these concerns into account.

Yours,
John Andrews

The Editor, Malvern
Gazette & Ledbury
Reporter, Broads Bank,
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co.uk

It is all about Turner Court offers so much the contents

I WRITE about the bewildering decision of Elgar Housing to close Turner Court at Ledbury.

Turner Court opened 27 years ago specifically built for the elderly to lead an independent life with support from wardens and a call system.

All of the tenants who currently live there will have made big decisions to leave homes and lifestyles that they have loved because their circumstance has dictated it.

Many of them have become very settled and hoped that this might have been their last move. The £4,000 offered by Elgar to "help" in their move is something those that I have spoken to are not interested in.

My dad has lived at Turner Court for the last five years after being a widower for five years before that.

Looking after the house and his adored garden had become too much and long winter evenings when he would see very few people helped him in making the decision to move to Ledbury, a town and the people that he knew well.

Turner Court has a mixture of bedsits and flats along with a laundry room, community room and a courtyard garden that is well looked after by the tenants.

With these last three facilities, there are more than enough opportunities for the tenants to meet each other, along with the regular trips that are organised.

Compared to Belle Orchard and St Michael's in Ledbury, Turner Court offers so much more. A lift covers the three floors, there are ramps where required – little of this is available elsewhere. Its position in the middle of town makes it easy for most to go shopping and see families and friends.

It is central to the town and the hustle and bustle of town life and not sidelined to somewhere that is more difficult for them to feel involved and have a chat with people as they go by.

Given that Elgar Housing is a charitable organisation and should not run for profit, I find it interesting that: ■ It needs to sell housing stock to subsidise development of another, ■ It seems, according to Elgar, that Turner Court would be more suitable for the young – now why would that be? Is it a case that they might generate greater revenue from the young or that they cannot be bothered with our increasingly older population. ■ The young have legs and modes of transport that would allow them to get to shops and live in other places offered, such as Colwall.

■ There are three empty rooms that are currently not being let – well, you don't want to be giving away £4,000 a time recklessly do you!



▲ Concerned Turner Court residents after news broke about plans to close the facility. 28790701.

These proposed evictions seem deceitful and cynical. The reasons Elgar give do not hold water. For a much smaller outlay it should be possible to amalgamate some of the bedsits into larger flats that would meet modern day requirements.

Dad's flat gives him all that he requires from a home – security, neighbours and an independent life. It would be good to see if the prominent members of Ledbury and its MP could be a little more proactive in helping these members of your town to be left in peace – they are very worried but being the age that they are, feel that there is little they can do. Well let's see if we can help them. There is always someone in the community room in the afternoon!

STUART GIBBS, Bristol Road, Quectley, Gloucester.

mon decency, never mind the law, dictates.

J H D GIBSON, Colwall.

WE would like to say how much we enjoyed the fantastic performance of *City Kids*, by Tom Wells, at The Forum.

Everyone from the show director, producer, team and cast worked so hard with very little time for rehearsing.

It was so refreshing to see the young people putting so much effort into it. Well done Tom, Wells and everyone included. Look forward to your next show.

BRIAN AND PAT ROBINSON,
Bowling Green Road, Powick.

Peace shattered

LAST year at this time, I wrote daring to criticise The Big Chill for the excessive and anti-social noise it generates. My letter was not published, presumably because such pop events have a God-given right to ignore the well-being of the community whose peace they decide to shatter.

Again this year, the mindless thump-thump-thump which seems to be the basis of much pop music has successfully penetrated our double-glazing, even though we are some two miles away. And it goes on until well after 2am, making sleep difficult.

I seem to remember that there are laws against excessive noise after 11 pm – certainly fireworks are illegal after that time. Why is The Big Chill above the law?

I am all in favour of people enjoying themselves. But not if, in doing so, they shatter the peace of everyone for miles around.

I realise I am a voice in the wilderness in finding pop music so senselessly monotonous. But why, in the name of everything civilised, must it always be so mind-numbingly and violently loud?

I call on the local council to invoke laws against disturbing the peace and ensure that the decibels cease or are considerably diminished after 11pm, as commonly is.

G D HECKS, The Cottage, Bearswood, Storridge.

believe me, I know. But that's my story. Three months ago, I received compassionate prayer in the name of Jesus for my hearing.

Substantial improvement was immediate. Never met anyone who has seen miraculously healed? Not yet seen the Florida healing revival on God TV? In that case, let's meet. It will be a delight to hear you.

JEFF STEADY, Malvern Hills Life Church.

HAPPY BIRTHDAY

MANY happy returns to the following members of the Children's Club who celebrate their birthdays this week:

MONDAY: *Callum Lewis Halling of Malvern.*

TUESDAY: *Georgia Munden.*

If you would like to join, write to: Children's Club, *Malvern Gazette & Ledbury Reporter*, Broads Bank, Malvern, WR14 2HP.

Thought for the Week

ignored, or ridiculed, or considered dim. And there's the affliction – not so much the silence, but the frustrated relationships, the lost communication, and the diminished worth it suggests.

It takes special qualities on the part of all concerned, as with other disabilities, to conquer the divide between hearers and those who hear less well.

I know! After 38 years of increasingly severe hearing loss,

COMPASSION comes more readily to some than others. Yet everyone needs compassion!

Fortunately, compassion is exemplified in Jesus Christ. His life is conditioned by compassion for the poor, the lost, the sick and the outcast. From him, we can surely learn compassion.

That's just as well, since demand often exceeds supply. Take for instance those with severe hearing loss. All too often, they can be

Time is essence

REFERENCE the piece about the time taken for an ambulance to travel from Bromyard to Ledbury to attend someone with a suspected heart attack at about 10am on Monday, July 28 (*Gazette & Reporter*, August 1).

An important issue for the bereaved people is having honest and accurate answers to their questions. It is probably inevitable that in this case they are left feeling let-down by the service provided.

If the service has exaggerated their speed of response, insult will have been added to injury.

I contacted Hereford and Worcester Ambulance Service but it is their policy not to deal directly with members of the public. I was not able to learn the start position of the ambulance.

Richard Spencer, Court Road, Malvern.

However, we have to be realistic. Unless we have a change of government soon, these proposals will go through. Newland, amongst others, will be sacrificed and our environment will be degraded, so we should try and make the best of a bad situation.

As I understand it, the offer from a local landowner of a free site for a hospital at Newland is still open. We should not be rushing blindly on with an inadequate site at Seaford Court when Malvern's development is in a state of flux.

If Newland is to be swamped with housing, the relief road to Leigh Sinton will be a necessity. Therefore, it would be sensible to site the new hospital there, with room for future expansion; together with a park-and-ride station; a business park and a sensible amount of new housing. Unfortunately, this would take some vision and co-ordination from our local representatives.

Still, they have made the hospital car park a bit bigger, haven't they!

Richard Spencer, Court Road, Malvern.

The Editor, Malvern
Gazette & Ledbury
Reporter, Broads Bank,
Malvern, WR14 2HP

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YOUR LETTERS

Bins need to be emptied

AS a family we are keen to recycle and were therefore pleased to discover the recent drinks cartons recycling bins in Malvern.

It puzzled me that there was not more publicity to tell people about these. However, I think that I have uncovered the reason for this.

Of course, as soon as people knew about them, they were using them. Which means that they need emptying, which presumably costs money.

Recently, the bins in The Splash car park and Link Top were surrounded by many overflowing bags of drinks cartons left by well-meaning people in the hope that the bin will be emptied soon.

I cannot help but be cynical and think that these bins were another action just to 'tick the box', where recycling efforts are concerned. If they were put there to be used, then please empty them!

ALEX KILVINGTON, Hall Green, Malvern.

Kind treatment

BEING a victim of the most callous of thieves reported in the *Malvern Gazette* (August 1), I feel I must write and praise the promptness of the police to my telephone call and their kindness at all times, especially to-ing and fro-ing us to Worcester Police Station to try to identify the thieves and our treatment there. It all helped our trauma.

MARGARET SLADE, Church Street, Malvern.

An object lesson

I AGREE with everything your correspondent has to say about the North Site being a lost opportunity (*Your Letters*, July 25)

With Malvern Hills District Council planning more large-scale development and assuming that working in partnership with local people and the developer matters, then the North Site is surely an object lesson in how not win the hearts and minds of local people.

The warning signs were there right from the start when the diligently prepared and well thought through North Site brief was scrapped to be replaced by a public meeting at which only six pre-submitted questions were permitted.

The subsequent revised plans which, of course, we were entitled to object to, were very misleading, particularly not showing that the houses and flats would be built on elevated land, and hence towering over the houses and gardens opposite and creating the claustrophobic feel. When the trees were felled, local people where "quietened" with talk of "opportunity to re-plant... open space... tree lined boulevards", a promise which has not materialised.

And what has happened to the infrastructure investment, schools and amenities our local politicians told us about in your newspaper? To me, the policy all along seems to have been "tell people what they want to hear and do what we want". Spin, for short.

For our sacrifice, we were promised affordable housing hopefully for our children. My son is a car body shop manager and the cheapest flat with its bedroom patio doors opening onto the road is six times his income, on top of which there is a £20 per week service charge and £7 per week roof repair charge.

Given that the North Site properties are 30 per cent more expensive than comparable property in Worcester, it is an ugly inappropriate city centre design out of kilter with local needs, family unfriendly, car commuter unfriendly etc.

The North Site (or Walsall Vale as we call it) is monument to political expediency and planning ineptitude.

As more development is inevitable, let's hope something positive is learned by those involved in the North Site development and let us all urge them to



▲ Our correspondent's picture of the alley between Bosbury Road and Lechmere Crescent in Malvern.

IN the springtime, the council asked householders to cut back their hedges so as not to hinder people's passage.

I asked if the alley between Bosbury Road and Lechmere Crescent could be cut on June 19 and July 21. Each time I was told that this would be done.

T LLOYD, Bosbury Road, Malvern.

never do it this way again, please, never again before Malvern is ruined for good. **CHRIS RICHARDS, Leigh Sinton Road, Malvern.**

Traumatic events

R COLLINS asked how safe it was for walkers to encounter the cattle on the hills (*Your Letters*, July 25).

Based on the original notices, which explained that the cattle were 'docile', I became used to crossing the electric fenced enclosures when they obstructed the path that I had planned to use when I set out on my walk.

I never had any trouble with the cattle although I would always detour round them if they were on the path.

One day, I was taking my eight-year-old French grand-daughter for her first ascent of North Hill when we found our intended ridge path to the top blocked by an enclosure.

A detour would have made the walk too tiring for my young companion and so I decided to show her how it was possible to cope with cattle by detouring round them inside the enclosure.

We completed the detour and were about 50 metres above the cattle and about the same distance from the higher gate when one of the cattle broke away from the group and lumbered threateningly towards us.

I slowed it down by waving my ruck sack at it whilst my terrified grand-daughter made her escape through the top gate, followed rapidly by me with the beast at my heels. It upset me but, much worse, it put my grand-daughter off walking the hills for two years and now she is too terrified to ever enter a cattle enclosure again.

The cattle project is an acceptable inconvenience and danger, only as long as the rewards are clearly evident. An annual report of progress with the grazing plan, to be published in the *Gazette*, should include evidence (that people can see on the ground) that the cattle plan is getting the desired results.

JOHN KIRTON, Fruitlands, Malvern Wells.

Bonfire menace

AS a resident in what is known locally as "bonfire alley", I was dismayed to read your piece on garden bonfires (*Gazette*, July 25).

Whilst I support the fire brigade's initiative to want advanced warning, what we really need is to tackle the anti-social behaviour of those who light bonfires in the first place.

tative of wider opinion in Orford Way. He could not have been more wrong. In 2003, 200 residents petitioned West Mercia Police to request enforcement of the 'access only' restriction. Just one resident declined to support that request. Mr Parsons' correspondence was the latest in a series of letters critical not only of the recent police enforcement but also of residents that have long campaigned for it.

I have no wish to comment on the legality of 'access only' restrictions; if critics wish to challenge the prerogative of local authorities to keep through-traffic away from residential areas that is their right. However, it is worth repeating again why, in this case, the restriction was implemented and why enforcement was long overdue.

Historically Orford Way was a minor road used by few motorists other than those that required access to the properties fronting it. In 1993 Hereford & Worcester County Council approved a new arterial highway that would link Pickersleigh Road to Worcester Road at Newland. At its western end, the new highway would be routed adjacent to Orford Way.

To prevent Orford Way being used as a shortcut by the large volume of through-traffic it was anticipated would use Townsend Way, entry was restricted to motorists that required access to the properties fronting it.

From the outset that restriction was routinely ignored and, overnight, residents that had previously enjoyed – for decades in some cases – a reasonable quality of life were overwhelmed by traffic.

The response of G T Parsons "if residents don't like the conditions where they live, they should move away" and Sue Nuttall (*Your Letters*, June 27)

"Orford Way is a very useful road. Who wants to sit in traffic jams getting frustrated when there is an alternative way home?" captures perfectly the rank selfishness of motorists who show little respect for the law and even less for the quality of life of residents.

It may not be a fashionable view but there is still such a thing as community and we will do whatever is necessary to protect ours from individuals whose only concern is their own convenience.

JULIAN EVANS, Orford Way, Malvern

Thanks to you all

THE Upton in Bloom Committee and I would like to thank all our supporters for their involvement before and during the two judging days we have just had.

From the 'river people' to the musicians, to the litter pickers and those who helped to get the flowers looking just right, to the shops and businesses who support us and help to offset the costs of the flowers and especially to Earls Croome Garden Centre for its supply of super plants and shrubs.

We also recognise the support we have had from the various agencies who have cleaned and repaired as we have got nearer the two big days!

As the judges remarked: "There is an obvious feel of a community here."

We will not know the results until September, I just know that we really could not have done much better so whatever the results, we should all feel very proud.

Thanks to you all.

PETER BELLAMY, Chairman, Upton in Bloom.

HAPPY BIRTHDAY

MANY happy returns to the following members of the Children's Club who celebrate their birthdays this week:

TUESDAY: Lydia Grace Morton of Tarrington.

If you would like to join, write to: Children's Club, *Malvern Gazette & Ledbury Reporter*, Broads Bank, Malvern, WR14 2HP.



Write to: Letters to the Editor, Malvern Gazette, Broads Bank, Malvern, WR14 2HP

Why it happened

REFERRING to the small group of residents pictured in the *Gazette* "out of sev-

eral hundred who live in Orford Way" and rhetorically asking "does that not tell us something?": G T Parsons (*Your Letters*, July 11) appeared to suggest the views of those pictured were unrepresentative.

KATE CHESTER-LAMB, Hyde Lane, Upton-upon-Severn.

