

**Minutes of the meeting of Licensing Sub-Committee held at Online meeting/Herefordshire Council, Plough Lane Offices, Hereford, HR4 0LE on Friday 7 June 2024 at 10.30 am**

**Present:** Councillor Polly Andrews (chairperson)  
Councillors: Clare Davies and Dave Davies

**Officers:** Licensing technical officer, Senior Lawyer - Civil Litigation and Principal licensing officer

**1. APOLOGIES FOR ABSENCE**

No apologies for absence were received.

**2. NAMED SUBSTITUTES (IF ANY)**

There were no substitutes present at the meeting.

**3. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**4. REVIEW OF A PREMISES LICENCE IN RESPECT OF: RUBY CHINESE TAKEAWAY, 23 UNION STREET, HEREFORD, HR1 2BT CALLED BY WEST MERCIA POLICE - LICENSING ACT 2003**

Members of the licensing Sub-Committee from the Council's Planning and Regulatory Committee considered the above application, full details of which appeared before the members in their agenda, and the supplementary information published on 31 May 2024.

It was noted that the premises licence holder was not present at the meeting.

It was considered that the hearing should not go ahead in the absence of the licence holder. The sub-committee agreed that the review of a premises licence in respect of Ruby Chinese Takeaway should be heard at the next scheduled meeting on Friday 21 June 2024.

**RESOLVED: That the review of a premises licence in respect of Ruby Chinese Takeaway be heard at the next scheduled meeting on Friday 21 June 2024**

*There was an adjournment at 10:33 a.m.; the meeting reconvened at 11:45 a.m.*

**5. APPLICATION TO GRANT A PREMISES LICENCE IN RESPECT OF GEMFEST 2024 - LICENSING ACT 2003**

Members of the licensing Sub-Committee from the Council's Planning and Regulatory Committee considered the above application, full details of which appeared before the members in their agenda, and the supplementary information published on 31 May 2024.

Prior to making their decision the Council's Licensing Officer presented the report which outlined the options available to the Sub-Committee. One representation was received from the Responsible Authorities; Trading Standards – who asked for one condition which were agreed by the applicant. Fifteen relevant public representations had been received. A number of relevant public representations contained information that was not relevant e.g.: increased traffic, wildlife issues and Scheduled Monument in the area 'Great Howle Camp'. The Licensing Officer summarised the application, provided an overview of the representations received and outlined the licensing history relating to the licensing of the site.

The Sub-Committee heard from the public representatives that:

- There was a significant risk of crime and disorder posed by the festival. At a similar event in 2009 there was serious sexual assault.
- The increase of the number of people to the area undermined the safety and security of the local area. The presence of a large crowd increased the pressure on law enforcement and increased the likelihood of opportunistic crime. The local police station was only open part time and was 20 minutes from the site.
- The festival was likely to result in an increase in litter and general disorder locally.
- It was queried where those attendees who were not camping would go when the festival closed.
- The festival was located in an isolated, rural location with no public transport links, it was queried how people would access the site. Individuals travelling and arriving on site in cars would pose a safety risk as the site was accessed through narrow country lanes.
- Prevention of public nuisance – The festival was located in a lawful, low crime community and tranquil setting and this festival was unwelcome. The location for the event was not suitable in the environment. This would undermine the licensing objective of the prevention of public nuisance.
- There had been a lack of consultation with the local community.
- People below the age of 18 would attempt to attend the event and this would undermine the licensing objective of protecting children from harm.
- The impact of the music, which would be drum and bass and garage, with deep bass would undermine the licensing objective of the prevention of public nuisance. The noise from the festival site would echo round the valley. The noise from the festival constituted a noise nuisance under the Environmental Protection Act 1990.
- The topography of the area would amplify the sound from the festival site; the assessment of noise received failed to take account of the topography and was misleading. The volume and carry of noise from the site could be affected by a number of factors including air temperature, the frequency of the noise and the presence of acoustic barriers. Straw bales would be placed to attenuate noise but these were not specialist noise attenuation equipment.
- The names of the Gemfest organisers and the involvement of Pull Up recordings was queried. Marketing videos on the social media sites associated with the applicant and organiser were irresponsible and suggested they would not comply with conditions.
- There were inadequate numbers of SIA staff, the ratio of attendees to SIA staff was not appropriate and would risk disorder on the site. It was queried what contingencies were in place to deal with an influx of individuals without tickets.
- There were inadequate numbers of health and safety staff, the ratio of attendees to health and safety staff was unacceptable particularly with young

people drinking and dancing.

- The Heras fencing proposed for the site posed a danger as it could be pushed over with a resulting domino effect and could cause injury.
- The application undermined the objective of the prevention of public nuisance. The music consisted of loud, bass beats and the location on top of Howle Hill with more stages than previous events would cause a nuisance.
- Last year's event was loud and disruptive.
- No specialist noise barriers were proposed in the application.
- The applicant had acknowledged loud noise from the previous event but there was no mention of the impact on enjoyment of local resident's homes. Sleep will be affected and sound checks could start at 9:30 a.m. – 11:00 a.m.
- The application was contrary to the Statement of Licensing Policy 2020/2025.
- The festival would increase pollution from traffic and food outlets. Laser and lighting from the event would also be unacceptable.
- The proposed changes to hours made no difference and would still cause a significant disturbance.
- Poor weather could cause significant problems for the festival and local infrastructure.
- The risk of fire was unacceptable and it would be problematic for the Fire Service to access the location.
- Residents would not be able to leave their homes, they would need to remain in their houses to protect their property.
- The impact on local resident's mental health was unacceptable.
- Videos on social media from Pull Up recordings showed irresponsible behaviour.
- It had been confirmed that 1,000 tickets had now sold, there was a concern that a number of people would attend from local area with and without tickets.
- Drug usage on the site was a significant concern.
- Effects on the community – noise impact day and night. Resident's felt they would have to change their plans to protect property, animals and businesses and it would effect their ability to attend work.
- There was a lack of consideration of disabled attendees.
- The efficacy of the drugs amnesty was questioned.

The Sub-Committee then heard from the applicant's representative that:

- The festival would provide a chance to show off local talent. Originally the attendance was targeted 1,300 but now would be 1,000.
- Numbers have been reduced, it was likely to be 1,000 on Saturday and 800 on Friday.
- There would be 75 other attendees on site including organisers, security and health and safety operatives.
- There were plans in place to block people attempting to attend after hours and staff on hand to ensure people leave the site after midnight.
- Experienced individuals were on the staff and the event organisers.
- A number of plans, policies and assessments had been undertaken to regulate the event.
- A Temporary Event Notice (TEN) was in place. In the event that the occasional premises licence was not approved, the event would go ahead under the TEN, with a restriction of up to 500 people. Under the authority of the TEN the festival could go on until 4:00 a.m.; if the occasional licence was granted the TEN would be surrendered.
- The occasional licence could only be refused if there was evidence that the event would undermined the licensing objectives.
- There was no history of disorder or recorded noise complaints for this applicant.
- No objections had been raised by Licensing Authority, the Police, Children's

Services or Public Health.

- Trading Standards had made representations and the conditions proposed had been accepted. No responsible authorities offered any evidence to object to the application.
- 'Nostock' and 'Rock the Barn' were similar events in rural areas and the issues that had been feared in advance had not resulted.
- The serious sexual assault in 2009 had nothing to do with current application or applicant.
- Comprehensive control measures were implemented.
- The proposed hours of the event had been restricted to midnight.
- The fear and speculation concerning what may occur was not admissible to consider in hearings, the decision must be evidence based.
- The Thwaites case was important to consider and demonstrated that evidence was required to support the refusal of an application.
- There was no history of recorded problems with the festival and e.g.noise complaints to EH.

Following questioning by the Sub-Committee it was confirmed that:

- The applicant would surrender the TEN if the premises licence was granted as applied for with the restriction of hours to midnight.
- 12 SIA staff have been booked at a ratio of 1:100 plus 2; the number of SIA staff might increase if the numbers attending also increased. The security plan had already been scrutinised by the police.
- A noise hotline had been publicised for people to ring during the event with issues about noise levels. The number had been provided to the Parish Council and local residents.
- The noise monitoring plan had not yet been signed off by the Environmental Health department.
- Three first aid time-out areas would be on site and consultation had been undertaken with West Midlands ambulance service have been consulted.

The Sub-Committee carefully considered all the representations, reports and evidence before them. They have had regard to their duties under S4 of the Licensing Act and considered guidance issued under s182 of the Licensing Act 2003 and Herefordshire Council's Statement of Licensing Policy 2020 - 2025.

The legal adviser to the Sub-Committee confirmed the following with the applicant and applicant's agent:

- The Changes proposed by the Sub-Committee to the timescales contained within the original conditions in the application, as contained in the attached conditions;
- If the changes to the conditions proposed by the Sub-Committee were accepted by the Applicant and the Sub-Committee granted the amended application, the committee sought confirmation that, the TEN would be withdrawn by the applicant and the event would operate under the premises licence only.

The Applicant's Agent and the Applicant confirmed that the proposed amendments were acceptable and should the Premises Licence be granted as amended by the Committee, the TEN would be withdrawn.

*There was an adjournment at 1:38 p.m.; the meeting reconvened at 2:22 p.m.*

## **DECISION**

The Sub-Committee's decision is to approve the amended application subject to the condition that the TEN submitted on 8<sup>th</sup> April 2024 being withdrawn and the event, Gemfest, operates solely under the premises licence.

## **REASONS**

The Sub-Committee has taken into account the detailed representations and information presented to the hearing and fully recognises the concerns raised by the local residents and the reasons why the representations were made. The Sub-Committee can only consider those representations that relate to one or more of the licensing objectives.

The Sub-Committee considers with the conditions that have been reviewed at this hearing, overall the application made is comprehensive and will promote the licensing objectives.

The committee notes that the Trading Standards Department made a representation which was accepted by the applicant.

The Committee notes that Environmental Health Officers are looking at this festival and providing advice to the organisers on the Noise Management Plan. The officers are planning to attend the SAG meeting on Friday, 14<sup>th</sup> June and are going to carry out environmental noise monitoring during the event.

The Sub-Committee would strongly advise that should the premises licence conditions not be complied with, that the residents use the provided Hotline and also inform Herefordshire Council

Environmental Health and Licensing Department as well as the other appropriate Responsible Authorities so that concerns are properly documented as soon as practicable.

The meeting ended at 2.35 pm

**Chairperson**