

SUPPLEMENT: Information from the applicant (ii)

Dear Sirs

This brief submission is aimed at assisting the Herefordshire Licensing Sub-Committee in respect of the new premises licence application listed for determination on 2 July. In essence it summarises the submissions that we will make to the licensing committee and introduces the documents and evidence that will be before the committee as produced by the applicant.

Attachments

The following documents are attached:

1) Photographs –

We attach a number of photographs of previous Nozstock events. Nozstock was significantly larger than the proposed activities in 2025, or thereafter, but it is hopefully helpful to include some visual articulation of the activities in question.

2) Event Management Plan (EMP) index and appendices list –

This speaks for itself but touches on all of the issues that officers, and councillors might reasonably expect to see from professional organisation managing its affairs correctly.

3) Noise Management Plan (NMP) –

This speaks for itself. It is we submit, precisely in line with what might be expected for activities of this type.

4) Detail of noise consultant experience –

This speaks for itself.

5) Detail of the senior management's experience –

This speaks for itself. This covers not just all those who will appear before the licensing committee but a number of the additional senior management team.

6) Attachment of additional supporting “representations” served out of time –

This is to be treated as informative rather than as formal representations

7) Letter to representors (Objectors) –

This speaks for itself.

Link to supporting commentary from 250 persons –

Application

The application is submitted by Nozstock, (The Hidden Valley), a family run, award winning business with the events taking place on the family farm. The family have been putting on a festival or other large-scale events on the land for the last 26 years. This year they have pivoted the business and propose to undertake a series of day events, rather than a weekend camping event, as has historically been the case.

The application seeks to permit a variety of licensable activities. These can fairly be summarised as live music, recorded music, late night refreshment and sale of alcohol. The application seeks permission across all seven days of the week. However the application limits the number of events to 5 and the number of days to 10. In any one calendar year. See conditions set out in the agenda and application.

2025

The proposed events for this year, that this licensing application will cover, include the following:
Nozstock presents... Into the Valley - This is a one-day music event running from midday until 1.30 am (for entertainment and alcohol) for up to 2,000 people -19 July.

Beefstock. This is a one-day food and music event running from midday until 7 pm for up to 1,000 people - 16 August.

This application if granted will also permit additional activities to be undertaken, which currently will likely include:

A private event, a fiftieth birthday, for up to 150 people from midday until 2 am - 22 - 24 August

A private wedding for up to 100 people midday until 2 am - 30 August

Beeffest, a private event for up to 400 people between 12 noon and 9 pm - 2 September.

Operating Schedule

The application is supported by a significant operating schedule of conditions. Whilst the operating schedule and conditions are bespoke to this application it is fair to say that the contents have been formulated, developed and finessed across the various premises licences and operations that have taken place since the inception of the Licensing Act 2003. The specific conditions are set out in the agenda but include conditions appending to the following:

The premises licence will only be used for events totalling five across no more than ten days.

The dates of any events shall be notified to the licensing authority and Safety Advisory Group (SAG) at least six weeks prior to the event.

For any event where capacity will exceed 500 the following shall apply:

1. Police and licensing authority to be notified no less than three months in advance.
2. Prison licence holder(s) on duty.
3. EMP to be provided for the satisfaction of the SAG.
4. EMP to include an event risk assessment and specific details on the following areas.
5. First draft of the EMP to be produced two months prior to the first day of any event.
6. Special police services request to be made to West Mercier Police no less than three months prior to the first day of any event.
7. Site security and communications control room to be provided on site. Access to be made available to the licensing authority and the police.
8. SI security personnel.
9. Incident log.
10. Seized item storage.
11. Traffic management plan.
12. Staff training.
13. Appointment and an event safety coordinator responsible for the following:
 1. Electrical competency.
 2. Structural sign off.
14. First aid provision.
15. Water management strategy.
16. Noise management plan.
17. Welfare tent.
18. Lost children's policy.
19. Criminal record bureau checks.
20. Age verification policy.
21. Alcohol management policies.

Similar provisions are made for events of less than 500, moderated appropriately. It is on any view a comprehensive Operating Schedule, as may reasonably be expected from an experienced licensee.

It is of note that none of the Responsible Authorities have sought to suggest that any of the conditions contained within the operating schedule are in need of improvement, finesse, development, deletion or addition.

Event Management Plan (EMP)

This document, circulated to the SAG attends to all issues, policies and procedures, that are required to plan and manage a large scale event. It runs to more than 60 pages, 80+ pages with the appendices. This is a significant and substantial document which incorporates all the policies and procedures that will be in place to support this event.

It is important to note that the ESMP is specifically conditioned within the Licence and obliges distribution to the Responsible Authorities no less than sixteen weeks before the event.

Safety Advisory Group (SAG)

The licensing committee will note, as is commonplace with all largescale event licensing, that a secondary lockstep, namely the safety advisory group will be involved in planning and preparing for the event and the activities. SAG engagement is proposed to be conditioned within the Licence.

Noise management plan (NMP)

The licensing committee will find attached a NMP drawn up by Russell Polden, a consultant with many years' experience in noise management. A document detailing his experience and expertise is also attached.

The NMP has been circulated to the SAG and appropriate officers and so far as we are aware has met with their satisfaction. The methodology approach and commitment to deliver excellence, for the community as well as for the attendees in 2025 will be just as it has been in previous years.

The committee will further note that in the NMP not only will there be external noise monitoring conducted by the consultants, but a complaints line will be available to residents should they be affected by noise. The noise management plan sets out a comprehensive procedure in the case of a complaint being received so that any issues may be addressed immediately.

Whilst some of the representors suggest that noise has been a historic issue at Nozstock events this is not accepted. Were that the case one might have expected environmental health to have intervened. Nozstock has not been the subject of any formal enforcement activity, nor any licensing review, nor any noise abatement notices across the last quarter of a century.

A Freedom of Information Act request has been made of Herefordshire council, as regards previous noise complaints but at the time of writing the submissions no response has been received. The applicant does not believe that there have been more than a dozen complaints in recent years, and such complaints as may have been received have not been substantiated by officers or inquiries to suggest that any undermining of the public nuisance licensing objective has ever occurred.

Representations objecting

Although the committee will have the opportunity to have read and considered the representations against the application, we would respectfully suggest that these can fairly be summarised as follows, with comments following.

1. *Open ended nature of the application* – This appears to miss the point that no more than 10 days per year are permissible as activity days under this licence.
2. *Alcohol management* - Although mentioned in the letter of response to the community, and set out within the EMP, correct to observe that the applicants operate all the appropriate mitigations one might reasonably expect. The challenge 21/25 policy, a refusals log, bag searches, no alcohol being taken into the arena. A staff training guide goes out to all bar staff pre-event to be completed before anyone commences shift.

3. *Antisocial behaviour* - The applicants work with two very experienced security companies, experience touched on in the earlier attachment. - We note that a number of the residents express concern about Edwyn Ralph, we are happy to ensure that the security patrols include this area as part of their engagement, in addition to, of course the noise management monitoring. The police, the experts, do not object.
4. *Traffic management* - This is managed with an appropriate consultant, who engages with the safety advisory group and relevant officers. This also includes traffic light procedures, agreed with the highways authority, slow road procedures, engagement with a taxi firm who provide discounts (and therefore incentivisation) to customers. The applicants also have an agreement with the Bromyard Rugby Club for their car park to act as a drop off point for the shuttle bus.
5. *Noise management* – see below
6. *Ecology* – The applicant takes the ecology of the site extremely seriously. The land on which the activities are conducted is a working farm, after all. The concerns raised, do not attend to the licensing objectives.
7. *Timings* – It is fair to say that we have let artists play over their prescribed stage timings in the past, but not ever over the allotted licensing period. This is explained in the recent resident letter.

It is worthy of observation that, the parish council representation apart, the representations are from ten households. Three of the representations appears from the same address. A number of supportive residents have fed back that they were visited by the objectors, seeking support for the objection. The committee will also note that support is included for the application from addresses that are in some cases closer to the application site than a number of the objectors.

Supplementary papers from [REDACTED].

Whilst we will leave [REDACTED] to address the committee directly, we would make the following observations:

First of all, the application was appropriately and correctly advertised and displayed in accordance with the legislation. We do not share the criticism of the licensing service or licensing authority. We accept that [REDACTED] and others may very well have sought to disseminate the news of this application to all members of the village, indeed a number of residents have been in touch with the applicants directly to offer support, having advised that they were canvased to support the objections.

Whilst we are entirely respectful of the points made about peace, tranquillity, wildlife and beautiful natural surroundings, those issues do not attend to the licensing objectives. The licensing objective at hand is, predominantly, the issue of public nuisance. The EMP, conditions, noise management plan, engagement of an appropriate consultant and dialogue with the SAG and licensing authority all strongly indicate that the licensing objective of public nuisance will not be undermined.

Representations in favour

The committee will also note that there are a number of representations supporting the application. In our respectful submission these can fairly be summarised as follows with comments following:

1. *Commercial/financial benefit* - The Nozstock team seek to engage with the local community and to support local businesses. Yeomans run the shuttle bus, Yeleni are the on-site charity partner, Wye Valley Brewery and Two Farmers Cider are alcohol suppliers, CB security are Herefordshire based. There are a wide variety of Bromyard specific businesses engaged in the events and activities that have been put on

2. *Cultural benefit* - One of the proudest elements of the activities across the last several years is that Nozstock has offered Herefordshire residents access to significant musical icons and artists, as well as comedians, that they may not otherwise have had the opportunity to enjoy. This has included Sister Sledge, Boney M, Rudimental, The Proclaimers, The Selector, Goldfrapp, amongst others.
3. *Lack of antisocial behaviour*
4. *Traffic management*
5. *Security and stewarding*
6. *Child friendly/child protection*
7. *Noise management*

Community Engagement

Ella, the creative director and Pete the founder recently attended a community engagement event with a number of residents. Although a number were supported fair to highlight that there were a handful of residents who were set fair against the proposed application.

Letter of response to representations

Following the recent community engagement meeting the applicants have written to the representors, having now seen the representations, addressing the issues that have been raised. We do not propose to take the committee through that letter here, but fair to highlight the document, which we invite the committee to consider.

Residential Support

The supplementary material provided by one of the representors (who object to the application) invites the licensing committee to conclude that the community object to this application. The applicants do not accept that this is a legitimate statement, at all. Whilst we recognise, as many applicants for large outdoor events must, that some residents would wish the activity would not take place at the location proposed, the attached link highlights some 250 written confirmations of support from the local community.

The committee will note that the supporting commentary from local businesses and residents is a template letter. As per the attached link. Some 250 names marked here. It was circulated to residents, after a number asked how they could support the application. Responses being sent directly to Ella Nosworthy. Whilst we entirely accept that the 250 responses cannot fairly be said to be representations, within the meaning of the Licensing Act, they suggest, strongly, that the local community is in favour of activities being conducted at the farm, and also corroborate and confirm our assertions that activities have hitherto always been well conducted. Any suggestion that there is a silent majority opposing this application is, respectfully, without merit.

National guidance.

The committee and officers will be familiar with the national guidance issued under section 182 of the Licensing Act 2003. We submit that paragraph 9:12 of the national guidance is of particular import here. This states that: *"Each responsible authority will be an expert in their respective field and in some cases, it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the nighttime economy and should have good working relationships with those operating in their local area. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective."* That none of the responsible authorities has seen fit to serve a representation is, we say, significant.

The committee will note that environmental health do not serve a representation in respect of this application.

Decision

The powers available to the committee are set out in the licensing agenda papers but we submit that these powers should be exercised against the backdrop of the council's licensing policy and the national licensing guidance.

Herefordshire licensing policy - the following paragraphs appear to us important to consider:

- *We recognise the very positive contribution that well managed premises can make to Herefordshire Council's wider objectives through contributing to the economy and helping to tackle crime and disorder.*
- *The Licensing Authority wishes to encourage licensees to provide a wide range of entertainment activities throughout their opening hours and to promote live music, dance, theatre etc. for the wider cultural benefit. They are a factor in supporting an economy which builds on the county's strengths and resources, which is one of Herefordshire Council's aims*
- *The Licensing Authority consider the police to be their main source of advice on matters relating to the promotion of the crime and disorder licensing objective.*
- *The Licensing Authority will expect all relevant premises to produce a risk assessment and for outdoor events an Event Management Plan.*
- *Where appropriate, licence holders or their authorised representatives will attend Herefordshire Council's Safety Advisory Group and similar meetings prior to large events and shall be part of Event Liaison Teams during such events. Due regard shall be had to relevant guidance and publications including, for example: HSE publications "Event Safety Guide" and "Managing Crowds Safely".*

Evidence

The licensing committee should we suggest, only make a decision based on admissible materials submitted to it. What the licensing authority cannot be asked to do is to speculate, as the High Court we suggest made clear in *R (Daniel Thwaites) v Wirral Borough Magistrates Court (2008) EWHC 838 (Admin)*. The evidence here, is we say, unashamedly, overwhelmingly in favour of the grant of the application.

Risk and concerns

We are not able to eradicate every last possible risk or as many objectors articulate, concerns. Candidly if we were to do that, then no applications for a new licence would ever be granted, for any licensed premises. that is why the Licensing Act and national Guidance talk about reasonableness and likely hood as key considerations. Supported, of course, by the review and enforcement procedures available to officers and others.

Conclusion

We submit that the materials provided by the applicant in support of the proposal indicate that the premises is both risk assessed, conditioned, managed, supervised and controlled appropriately. We further submit that all of the actions undertaken by the premises licence holder, in previous years and this, confirm and corroborate as much. These assertions can fairly be said to be corroborated by the lack of officer objection. Finally, we should add that the licensee is entirely respectful of the issues and sensitivities around the management of this event and will do their absolute best so as to ensure that the impact of the events are both carefully managed with impact minimised.

Best wishes

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Head of Licensing
for TLT LLP