

**NEW FOREST DISTRICT COUNCIL**

**LICENSING ACT 2003**

**APPLICATION: Sunnyfields Organic Farm, Jacobs Gutter Lane, Totton**

**Decision of the Licensing Sub-Committee hearing held at Appletree Court, Lyndhurst on Monday, 1 August 2011 at 9.30am**

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**1. Members of the Licensing Sub-Committee**

Councillor G C Beck - Chairman  
Councillor W H Dow  
Councillor Mrs A Hickman

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**2. Parties and their Representatives attending the Hearing**

Mr I Nelson, Mr O Maw and Mr M Ward– Applicants  
  
Mr C Kirk - Objector

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**3. Other Persons attending the Hearing**

Mr G Worsley, Environmental Health Pollution

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**4. Parties not attending the Hearing**

Objectors:

Mr Eckton  
Mr Keogh  
Mrs K Mcleod

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**5. Officers attending to assist the Sub-Committee**

Tory Putnam – Legal Advisor  
Melanie Stephens - Clerk

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**6. Decision of the Sub-Committee**

The application is granted on the following terms and conditions.

**Licensable activities and times permitted:**

Time limited event – Saturday, 3 September 2011 (sound testing Friday, 2 September 2011)

E: Live Music

Friday 12.00 to 17.00 (sound testing)  
Saturday 12.00 to 23.00 (sound testing 10.00 to 12.00)

F: Recorded Music

Friday 12.00 to 17.00 (sound testing)  
Saturday 12.00 to 23.00 (sound testing 10.00 to 12.00)

K: Provision of facilities for entertainment of a similar description to that falling within (i) or (j)

Saturday 12.00 to 23.00 (sound testing 10.00 to 12.00)

M: Supply of Alcohol

Saturday 11.00 to 23.00

**Hours premises to be open to the public:**

Saturday 11.00 to 23.30

**Mandatory conditions:**

As provided in the Licensing Act 2003

**Other conditions (as agreed by the Applicant prior to the Hearing):**

1. Music from the event is only permitted between 12:00 hours and 23:00 hours on Saturday 3 September 2011 except during any sound test or rehearsal when the requirements of conditions 4, 5 and 6 shall apply;
2. The Licensee shall appoint a noise control consultant, to the approval of the Licensing Authority. The noise control consultant shall liaise with all parties including the licence holder, promoter, sound system supplier, sound engineers, Licensing Authority and Environmental Health on all matters relating to noise prior to and during the event;
3. The music noise level (MNL) shall not, when measured at the boundary of any noise sensitive premises, exceed 65 dB LAeq for 15 minutes between 12:00 hours and 23:00 hours on Saturday 03 September 2011;
4. A sound propagation test shall be undertaken before the event in order to set control limits at the mixer sound positions to ensure compliance with condition 3. The sound system shall be configured and operated in a similar manner to that intended for the event and the sound source used for the test shall be similar in character to the music likely to be produced during the event;
5. The sound test, required by condition 4, shall be carried out on Friday 2 September 2011 for no more than a three hour period, as early as

practicably possible between the hours of 12:00 and 17:00 or on Saturday 3 September 2011 between the hours of 10.00 and 12.00. The test will be arranged in consultation with the Environmental Health Officer with responsibility for the prevention of nuisance.

6. The MNL during any rehearsal shall not exceed 65 dB LA<sub>eq</sub> 15 minutes when measured at the boundary of any noise sensitive premises;
7. The Licensee shall ensure that the promoter, sound system supplier and all individual sound engineers are informed of the sound control limits via notices to be displayed on front of house sound desk and any instructions from the noise control consultant regarding noise levels shall be implemented;
8. A plan showing a list detailing all noise sensitive premises and those premises which have been discounted as noise sensitive premises as previously approved by the Environmental Health Officer, shall be submitted to the Licensing Authority at least 4 weeks prior to the event;
9. The appointed noise consultant shall constantly monitor the noise levels at the sound mixer position and advise the sound engineer accordingly to ensure the noise levels set in conditions 3 and 6 are not exceeded. A monitoring programme shall be submitted to the Licensing Authority for approval at least 4 weeks prior to the event and shall include a plan indicating the monitoring positions within the site and the noise sensitive premises off the site where monitoring will be undertaken. It shall also include an action plan to be followed should the monitoring detect music levels in excess of the requirements of conditions 3 and 6;
10. The Licensee shall provide sound level monitoring equipment to IEC type 1 standard at all sound mixing positions. Sound levels set at the sound propagation test shall be adhered to. The sound level monitoring equipment shall be set up to display the LA<sub>eq</sub> 1 minute at the mixer desk and the positioning of the monitoring equipment shall be in a position that is easily accessible and easily visible to an Environmental Health Officer or Licensing Authority Officer. Additional equipment to the same standard shall also be provided to enable monitoring at locations remote from the sound mixing positions;
11. The results of all such monitoring shall be recorded and made available to the Licensing Authority or the Licensing Authority Environmental Health Officer on request. Following the conclusion of the event, these records shall be forwarded to the Licensing Authority within 2 weeks of the event;
12. In accordance with condition 4, noise control limits will be set at the sound mixer positions prior to the event and during the sound test but the Licensing Authority and/or Local Authority Environmental Health Officer reserves the right to alter the set levels if, during the actual event in order to ensure compliance with condition 3;
13. The name and contact details of the sound engineer will be forwarded to the Licensing Authority and the relevant Environmental Health Officer two weeks before the event;

14. The Licensee will affect full control over the public, organisations and traders on the site where amplified music is being played or other noise generated. On receipt of a required from the Licensing Authority or the Local Authority Environmental Health Officer, a noise nuisance is likely to be caused;
15. The Licensee shall ensure that amplification equipment is not used on the site unless: -
  - a) It is for use as part of the licensed entertainment;
  - b) It is for the use of authorised traders for the sole purpose of providing background music to their stall.
16. The Licensee shall deploy a team of security personnel for the duration of the event for the purpose of patrolling the site to monitor for unlicensed activities for events taking place or about to take place. Upon discovery of such activities or equipment being used, or about to be used, and not detailed in condition 10, the licensee shall arrange for the use of the equipment to be stopped, or the amplification equipment to be immediately confiscated, or the owner or user of that equipment to be removed from the site. If after having agreed to cease using any amplification equipment any person is found at another time to be using it no further verbal warning will be given and confiscation of the equipment or removal from site of the person will be effected;
17. The Licensee shall operate an attended complaint telephone number through which noise complaints can be channelled throughout the duration of the event. A record will be kept of all complaints received and all responses made. This will be available for inspection by the Licensing Authority or any Responsible Authority that requests it;
18. Information regarding the event, the running times for the shows and contact details for telephoning with any complaint will be circulated to local residents no later than 2 weeks prior to the first day of each festival.
19. The Licensee shall operate a clear pedestrian exit and entry point on to the site. Two members of the Applicant's security team will manage and control the exit and entry point in order to ensure safe pedestrian access. These members of staff will wear high visibility clothing.
20. Signs will be placed along Jacobs Gutter Lane warning drivers of pedestrian crossings. There shall be a minimum of four signs.
21. The Applicant will notify the Police of the location of the intended pedestrian crossing point.

Note:

Noise sensitive premises includes premises used for residential purposes, hospitals or similar institutions, educational establishments (when in use), or places of worship during recognised times and days of worship or any premises used for any other purpose likely to be affected by the music noise.

## **7. Reasons for the Decision**

The Sub-Committee carefully considered the application along with the evidence, both written and oral, supplied by the applicant and objectors.

The Sub-Committee took into consideration the objections relating to potential noise nuisance but decided that, whilst concerns were raised, these could be adequately dealt with by the imposition of conditions controlling the level of noise at the boundary of all noise sensitive premises in line with the conditions agreed with Environmental Health.

In relation to the timings of the event, the Sub-Committee were satisfied with the requested hours and felt that the conditions relating to noise control would eliminate any potential disturbance to local residents. The Sub-Committee did however reduce the hours for the sale of alcohol by 30 minutes in line with the other licensable activities to ensure that the Applicant could clear the site by, or as near to 11.00pm.

Other representations raised were concerned with pedestrian safety along Jacobs Gutter Lane and the surrounding vicinity. The Sub-Committee considered that conditions should be imposed to ensure pedestrian safety for those walking to and from the site and was satisfied that these conditions would overcome the concerns raised regarding the prevention of children from harm.

In light of the above, the Sub-Committee was prepared to grant a premises licence in the terms set out at section 6 above.

**Date: 1 August 2011**

**Licensing Sub-Committee Chairman: Cllr G C Beck**

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**FOR OFFICE USE ONLY**

**Decision notified to interested parties on 2 August 2011**