

Alcohol and Regulated Entertainment Sub-Committee
6 June 2023

WELWYN HATFIELD BOROUGH COUNCIL

Minutes of a meeting of the ALCOHOL AND REGULATED ENTERTAINMENT SUB-COMMITTEE held on Tuesday 6 June 2023 at 1.00 pm via Zoom

PRESENT: Councillors J.Cragg (Chair), D.Jones and S.McNamara

ALSO PRESENT: Applicant's representatives:
•Applicant Thomas Hollidge
•Co-Founder Adam Forrester
•Co-Founder Joseph Howell
•Co-Founder Alex Hadden-Wight

Relevant Authorities' Representation:
•Hertfordshire Constabulary Alex Kettle-Stupka
•WHBC Environmental Aimee McCormack
Health

OFFICIALS PRESENT: Licensing Technical Officer (N. Tupling)
Senior Litigation Lawyer (R. Simpson)
Democratic Services Assistant (V .Mistry)

At the beginning of the meeting the Legal Officer stated that there had been an error in the officer report in the recommendation section which advised that committee members can add conditions to the TEN, unfortunately this was only an option if there is a premises licence in place for the area the TEN is applied for. In regard to the Bottlefest Temporary Event Notice, there was not a premises licence in place for this area of land and as such adding conditions is therefore not an option for committee members. Members were then given a list of the amended recommendations.

1. APPOINTMENT OF CHAIRMAN

It was proposed and seconded by Councillors D. Jones and S. McNamara, and

RESOLVED:

That Councillor J. Cragg be appointed Chair of the meeting.

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2. APPLICATION FOR GRANT OF TEMPORARY EVENT NOTICE FOR TL29926
THE QUARRY, LAND AT THE END OF HEMPSHILL BROOK, ACCESS FROM
NORTHAW ROAD EAST, CUFFLEY, HERTFORDSHIRE, EN6 4QZ

Introduction and Procedure

The purpose of the meeting was to consider an application for grant of temporary event notice for TL29926 The Quarry, Land at the end of Hempshill Brook, Access from Northaw Road, Cuffley, Hertfordshire, EN6 4QZ.

The committee report contains a Temporary Event Notice for a Bottlefest event with sale of alcohol, regulated entertainment and late night refreshment between 1st – 3rd September 2023 10:00 – 05:00 for up to 499 people.

The Licence Hearing is a result of the Licensing Authority receiving formal written relevant objections from the Environmental Health Team and Hertfordshire Police to the Temporary Event Notice within the 3 working day consultation period. The representations against the notice have been submitted under the Licensing Act 2003 on the statutory grounds of:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

Documentary Evidence

The report of the Licensing Officer, the Temporary Event Notice application and supporting documents, along with written representations from the relevant authorities which had been previously circulated.

Report of the Licensing Officer

The Licensing Officer presented the report. The application was submitted by Thomas Hollidge for a temporary event notice for a Bottlefest event at TL29926 The Quarry Land at the end of Hempshill Brook, Access from Northaw Road, Cuffley, Hertfordshire, EN6 4QZ with sale of alcohol, regulated entertainment and late night refreshment between the 1st and 3rd September 2023 between the hours of 10am and 5am daily for up to 499 people, the Bottlefest is to be held on a 25 acre space which includes two fields separated by a fence and woodland running along the top.

The site is located at the end of Hempshill Brook and is accessed from an entrance on Northaw Road East. The applicant has included information on Bottlefest. Bottlefest is a music festival consisting of different music genres, held over three stages. The main stage, the woodland stage, and the canteen. Planned genres of music include Reggae, Funk, Soul, Disco, Hip-Hop, Samba and Rock music from 12:00 – 00:00. The main stage will close at 00:00 whilst music will continue on the 'woodland' and the canteen stages with a lower

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decibel level, reduced bass and reduced amplification (incapable of reaching disruptive sound levels) from 00:00 – 05:00.

The woodland stage will play a range of musical genres and may move towards electronic music as the night progresses. The canteen stage, primarily a food and drink source will continue to play easygoing songs similar to that of the day at a lower decibel level.

The applicant has advised that a full events management plan with a sound management plan and risk assessment was prepared for another site about a year ago, which they believe would still be applicable to the proposed site, and they would be happy to share this information. The premises user is in line with the legislation by serving the temporary event notice more than 10 working days before the planned event dates, the temporary event notice was reviewed and processed as a valid notice by the licensing authority the notice was sent to Hertfordshire Police and the Council's Environmental Health Team

The licencing hearing is as a result of the Licensing Authority receiving formal written relevant objections from the Environmental Health Team and Hertfordshire Police to the temporary event notice within the 3 working day consultation period. The representations against have been submitted under the Licensing Act 2003 on the statutory grounds of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

The objection from Environmental Health is on the grounds of preventing public nuisance licensing objective.

The objection from Hertfordshire Police was on the grounds of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm licensing objectives.

The Committee must have regard to the temporary event notice served and the evidence it hears. The Sub-Committee is therefore asked to determine the temporary event notice. In determining the notice, which must be at the conclusion of the hearing the sub-committee may on behalf of the licensing authority, and having regard to the promotion of the licensing objectives, statute, guidance and policy decide on the following courses of action:

- a) To grant the Temporary Event Notice as served.
- b) With the agreement of the relevant persons and applicant modify the Temporary Event Notice, including changing the details of the parts of the premises that are to be used for the event, the description of the nature of the intended activities or their duration.
- c) To reject the Temporary Event Notice as served.

The Applicant and their Witnesses

Thomas Hollidge (applicant) also had several witnesses, a list of which is provided below:

Adam Forrester, Co-Founder
Joseph Howell, Co-Founder
Alex Hadden-Wight, Co-Founder

The following points were made and noted:

- It was noted that there was recent local media attention through journalists noticing Bottlefest's public events on Facebook. This was put up for their friends and friends of friends to save the date and tickets had not yet been released.
- It was noted the applicant was not aware of the article before publication and would like to stress that they did not want this attention to distract from the temporary events notice application.
- It was noted previously the applicant had a more in-depth discussion with local authorities but had never submitted a temporary events notice before.
- The amplified music will not be played on the Sunday, this is a day designated for people to leave, so there will not be any music on that day. The Sunday will be for exiting the site.
- It was noted the applicant will only be selling 450 tickets. The reason they put 499 on the application was to allow for them to have 499 people on site at any one time. The additional 49 people would be the staff and the Bottlefest Team.
- It was noted the applicant would expect a large portion of guests to come on Friday evening from London and likely will not start drinking till at least 6pm. The 5am finish time was put as an extreme, and the applicant was willing to wrap up three smaller stages earlier.
- The applicant has run events on three previous occasions, in 2018 2019 and 2021 in Surrey with 150, 250 and 325 attendees.
- It was noted that previously there has been a full day and night event without a single instance of complaint from a local authority or a health and safety issue with more neighbours in a closer proximity than at the potential site.
- It was made clear that this event is not being managed by the Colesdale Farm team. This event is under the Bottlefest management. Colesdale farm were providing them with some support in contacts of local services to use and coordinate with their events.
- With regards to public nuisance, they were hoping to have four stages, not for more music but to minimise the risk of sound travel by spreading footfall after the 12am finishing time at the main stage. The main stage will be turned off and all the crowds will be dispersed within three much smaller stages, this break-up of people will allow the music to be played at

a much more ambient level for the later hours while stopping loud enough for those who enjoy it at the festival.

- It was noted the applicant plans on having the main stage turned towards the closest residents, all of the other stages are facing away from the closest set of residents. There is not going to be a lot of disturbance because there is not that many residents in that Colesdale Farm area. Bottlefest will be 1:20 the size of other Colesdale farm events, so the likelihood of sound levels being larger than that is not possible, and the disturbance will be much less.
- The applicant will not be controlling the speakers. The speakers have an enforced limiter on them so they cannot go over a certain amount and will be the equivalent of concert level, around 10 to 110 decibel levels and similar to that of a sporting event.
- Looking at using short throw speaker system. This is where the sub subsequently is raised a little bit, and the toppers are going to be high as shooting down into the ground, this is going to allow less heavy based travel and the high frequencies to be shot straight out into the ground in essence short throw meaning it's going to feel just as loud at the epicentre but the base is not going to travel along the ground as far and the top is going to be nullified by the nearby ground to try and counteract a disturbance.
- It was noted the applicant has been on site. They have looked at it and decided the best way to set up the festival.
- With regards to crime and disorder, they are not a licensed establishment, however two people in the team do intend to obtain personal alcohol licenses for party events. The qualifications are in progress.
- It was noted their audience would be cohorts of young professionals majority living in London. The applicant believes every attendee will either be a friend or family member or friend of friends and family, almost all aged 24 and above and no one allowed into the event below the age of 18.
- It was noted they will have at least three trained security guards on site at any one time. Through the team at Colesdale farm they are looking at using Trojan Security who have run Colesdale farm events before. To supplement the security team, they also plan to have 10 marshals who have worked with them before and a team from Harlow Medics. There will also be 7 food and bar staff who can refuse to serve as well as act as additional surveillance for the security marshalls and the Bottlefest team. As an additional medical provision, two members of the team will be undertaking first aid training priority to the event to supplement the Harlow Medics team.
- On entry to the festival there will be a combination of security and marshalls at different points.
- It was noted that they do not expect any issues regarding violence, weaponry or excessive alcohol consumption.
- Alcohol will be prevented from entering the main stage areas.

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- It was noted the applicant plans to have the security team go around the camping areas in the late mornings and ensure all attendees are awake and healthy.
- It was noted the Bottlefest team have a vested interest in health and safety for attendees. Their community has allowed them to build this event over the last few years. They have also built this community of friends and music lovers, and their wellbeing and enjoyment are a top priority at the event.
- On Friday afternoon, attendees will slowly arrive at the festival and only expect a maximum of around 200 vehicles. Marshalls and Security will be there to manage people arriving and making sure no one is queuing for too long on the road. They are expecting attendees to arrive by car or train and they are not providing additional transport to the festival.
- All attendees of Bottlefest will be gone by Sunday afternoon when the Colesdale farm event will be happening so there will be no clash in traffic.
- The site will be accessible to emergency services.
- They will not be admitting anyone under the age of 18 to the festival and will be ID'ing people on the door.

Members asked questions of the applicant and the following points were raised and clarified:

- Members asked if they have an idea of the wattage of the amplifier on the main stage. The applicant's witness stated that they were unsure of the wattage and will find out. The applicant stated they will be conducting soundchecks prior to the event and they have offered the relevant authorities to work with them on the sound tests and look at ways to ensure appropriate sound levels.
- Members asked why they chose a weekend when another event was taking place? The applicant stated they had these plans before Colesdale Farm decided to hold an event on the Sunday. The applicant was willing to be flexible and could look at changing dates.
- Members asked how many alcohol outlets would be on site? The applicant stated there would be one main bar with multiple people serving alcohol at the bar. It was also noted there would be food outlets and they were looking into third party vendors.

Representation from Environmental Health team, Welwyn Hatfield Council

Aimee McCormack addressed the sub-committee, and the following points were made and noted:

- The Environmental Health objection was on the preventing public nuisance licensing objective. The site is extremely troublesome in relation to appropriately controlled noise from music events.

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- There are residents in nearly every direction from the site who are more than likely be affected by permitting another festival in the area. There is currently a premises licence in place in another site which allows only a certain number of events to take place a year, these events have specific noise level conditions
- In relation to the impact on residents, it is not just about the noise levels but the frequency of events currently in the area.
- It was noted that a lot of work has been put into the Colesdale farm events to detect noise levels and to restrict the number of events there. There was also a specific gap between each event to prevent nuisance to residents.
- Adding another event nearby will impact on the noise control.
- Bottlefest is looking to operate way beyond the permitted hours until 5am, which is unreasonable.
- This event is separate and will be managed by different applicants in the area but the sites are close together and residents will be affected by the increase in noise. As such, this location is not suitable for additional music events beyond those currently permitted.

Representation from the Police, Welwyn Hatfield Constabulary

Alex Kettle-Stupka addressed the sub-committee, and the following points were made and noted:

- Temporary event notices are usually given for inherently low risk events. Multi-day music festivals, with hundreds of attendees going on through the night are not considered low risk events. The legal inability to add conditions to this event also makes it unsuitable for a TEN.
- Despite this being a camping festival in a field and wood, they could not discuss any fire safety concerns because the fire service do not have the opportunity to input because this is a TEN. The area had field fires in the last year.
- This is a new applicant proposing a new event within a new part of Colesdale farm, and they do not have any connection beyond that described with the existing festival venue at the farm or the prior proposed or rejected festival venue to the immediate west of Colesdale farm.
- Both of those sites have been subject to the rulings of this committee, with one being rejected and the other being significantly reduced in scale and scope. Both attracted a significant number of complaints, showing the challenge of running a festival venue in this location is not an inconsiderable one.
- In regards to Crime and Disorder, there is a concern that the venue seeks to sell alcohol until 5am, having opened at 10am. This is an extremely large span of hours, 19 out of 24 hours, in fact, longer hours sales allow much larger quantities of alcohol to be consumed, which significantly increases risk.
- Also concerning is the 5am finish time. Crime and disorder risks escalate beyond 10pm and increase significantly past midnight. Attendees are

expected to camp on site, meaning there may only be five hours of closure until 10am the next day, when sales start again a pattern that repeats the following day.

- Camping also brings risk with flammable liquids, knives and tools. Often festival sites restrict liquids to reduce the risks.
- There may be increase in potential drug use. Having large amounts of equipment brought on site such as rucksacks, tents etc, it will make it easier to bring drugs on site.
- The Police met with the applicant and a site visit was undertaken to the proposed location. Bottlefest intend to coordinate with Colesdale farm around ingress and egress vehicle control and this reduces some of my concerns around conflict during these phases, as plans can be coordinated.
- It does not change the logistical challenge of accommodating two festivals, using one access road for both vehicle and pedestrian access, in a location where this committee has already placed restrictions due to concern about public safety from vehicles.
- There is also the possibility of people leaving the venue at or around 5 am when the festival finishes, possibly after consuming alcohol or making the 1 mile plus journey to the train station in darkness along narrow footpaths, a location that has already seen one festival goer seriously injured in a road traffic accident and that was during daylight hours.
- Given this event will be for three days, the free availability of drinking water is essential and there is no piped water on site so this will have to be dealt with.
- The Police had concerns about the length of time it will take to get people in just doing searches. There is no mention of the challenge 25 policy for alcohol sales, which most venues without natural stewardship practice.
- None of the applicants have a personal license. The Police acknowledged it was the applicant's intention to get personal licences.
- There will be music until 5am and this is a public nuisance.
- Cuffley is not a large town and does not have a high level of background noise, especially in the early hours of the morning, meaning music is unlikely to be drowned out by ambient noise.
- With the level of complaints already received, this makes it clear that the residents' perception of these events is as a public nuisance.

Members asked questions of the objector (Police) and the following points were raised and clarified:

- Members asked what would have been a more appropriate way for this application? Temporary event notices are usually designed for small low-risk, natural stewardship events and something like a festival is expected to be held under a premises licence, even if it was a time limited premises licence.
- Members asked if this event would be any worse or dangerous than the Colesdale farm events? The Police thought this as potentially a higher

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risk. It is a smaller event but Colesdale farm have an existing set-up, they have an existing framework, that's been proved to work, they have accountability, they have coordinated professionals, they have experience, they have systems in place that have been honed over some years of practice. They have had a high number of conditions put on the licence.

The applicant and then the objectors made final addresses to the sub-committee.

The sub-committee retired to deliberate a decision.

Determination

The licensing sub-committee has unanimously decided to reject the Applicant's application for temporary event notice.

The licensing sub-committee has considered the Temporary Event Notice received from the Applicant as well as the evidence it has heard from the Applicant and his witnesses, the Environmental Health Department and the Police as the Relevant Authorities. No other evidence was considered.

The sub-committee is asked to determine the Temporary Event Notice. In determining the notice, due regard was had to the Licensing Act 2003 and the guidance to it as well as the promotion of the licensing objectives and the Council's own licensing policy.

The sub-committee may either:

- a) grant the Temporary Event Notice as served.
- b) modify the Temporary Event Notice with the agreement of the relevant persons and the applicant or
- c) reject the Temporary Event Notice.

The sub-committee considered that the application before it was well presented and thought out by the Applicants. The sub-committee, however found it impossible to ignore the very serious and detailed concerns set out by the Police in relation to the licensing objectives of public safety and of crime and disorder in particular, as well as the public nuisance concerns outlined by Environmental Health.

Consideration was given by the committee to whether the temporary event notice application could be modified in order to address the concerns raised, however it was felt that there was insufficient information available for adequate modifications to be formulated sufficiently well to achieve this. The sub-committee considered that if mutually agreed modifications were possible, they

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would be likely to arise from a lengthier dialogue between the applicant and the relevant authorities than had yet taken place.

On this occasion therefore, based on the information before it, the licensing Sub-committee has decided to reject this temporary event notice application.

Meeting ended at 3.00pm