



# PREMISES / PERSONAL LICENCES SUB-COMMITTEE

AGENDA

<b>DATE:</b>	<b>Monday, 17 June 2024</b>
<b>TIME:</b>	<b>10.00 am</b>
<b>VENUE:</b>	<b>Town Hall, Station Road, Clacton-on-Sea, CO15 1SE</b>

**MEMBERSHIP:**

**Councillor Casey (stand by)**  
**Councillor Davidson**

**Councillor J Henderson**  
**Councillor Smith**

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DATE OF PUBLICATION: Tuesday, 11 June 2024

## AGENDA

### **1 Chairman of the Meeting**

The Sub-Committee will elect a Chairman for the meeting.

### **2 Apologies for Absence and Substitutions**

The Sub-Committee is asked to note any apologies for absence and substitutions received from Members.

### **3 Minutes of the Last Meeting (Pages 5 - 6)**

To confirm and sign as a correct record, the minutes of the last meeting of the Sub-Committee, held on Monday, 11 March 2024.

### **4 Declarations of Interest**

Councillors are invited to declare any Disclosable Pecuniary Interests, Other Registerable Interests of Non-Registerable Interests, and the nature of it, in relation to any item on the agenda.

### **5 Report of Assistant Director (Governance & Legal) - A.1 - Temporary Event Notice - Left Field, High Birch Road, Weeley, Ref: TENOP/5161/24 and TENOP/5162/24 (Pages 7 - 22)**

To provide information in order that the Sub-Committee can determine objections to two Temporary Event Notifications (TEN).

### **6 Exclusion of Press and Public**

To consider passing the following resolution:

“That under Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005 the public be excluded from the meeting for the item of business to be considered below on the grounds that the public interest in so doing outweighs the public interest in that part of the hearing taking place in public”.

### **7 Exempt Minute of the Previous Meeting (Pages 23 - 24)**

To confirm and sign as a correct record, the exempt minute of the meeting of the Sub-Committee held on Monday, 11 March 2024.

**Date of the Next Scheduled Meeting**

*The next scheduled meeting of the Premises / Personal Licences Sub-Committee is to be held when it is required.*

## **Information for Visitors**

**FIRE EVACUATION PROCEDURE**

There is no alarm test scheduled for this meeting. In the event of an alarm sounding, please calmly make your way out of any of the fire exits in the hall and follow the exit signs out of the building.

Please heed the instructions given by any member of staff and they will assist you in leaving the building and direct you to the assembly point.

Please do not re-enter the building until you are advised it is safe to do so by the relevant member of staff.

Your calmness and assistance is greatly appreciated.

**MINUTES OF THE MEETING OF THE PREMISES / PERSONAL LICENCES SUB-COMMITTEE,  
HELD ON MONDAY, 11TH MARCH, 2024 AT 11.30 AM  
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,  
CO15 1SE**

<b>Present:</b>	Councillors A Cossens, Davidson, J Henderson and Smith
<b>In Attendance:</b>	Linda Trembath (Head of Legal Services & Deputy Monitoring Officer), Michael Cook (Licensing Manager), Keith Durran (Committee Services Officer) and Emma King (Licensing Officer)
<b>Also in Attendance:</b>	Gary Burke (Sneior Licensing Officer – Essex Police)

**28. CHAIRMAN OF THE MEETING**

It was moved by Councillor Smith, seconded by Councillor Davidson and:

**RESOLVED** that – Councillor J Henderson be elected as Chairman for the meeting.

**29. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were no apologies for absence, or substitutions.

**30. MINUTES OF THE LAST MEETING**

It was **RESOLVED** that the minutes of the meeting held on Monday 29 January 2024, be approved as a correct record and be signed by the Chairman.

**31. DECLARATIONS OF INTEREST**

There were no declarations of interest on this occasion.

**32. EXCLUSION OF PRESS AND PUBLIC**

It was moved by Councillor Smith, seconded by Councillor Davidson and:-

**RESOLVED** that under Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005 the public be excluded from the meeting for the items of business to be considered below on the grounds that the public interest in doing so outweighs the public interest in that part of the hearing taking place in public. For the purposes of this decisions, a party and any person assisting or representing a party shall not be treated as a member of the public.

**33. REPORT OF ASSISTANT DIRECTOR (GOVERNANCE & LEGAL) - A.1 - APPLICATION FOR THE GRANT OF A PERSONAL LICENCE**

The Sub-Committee convened in private session to decide if Members agreed or disagreed with the Essex Police decision to object to the Personal Licence.

It was **RESOLVED** that the Personal Licence grant application submitted be refused.

**34. EXEMPT MINUTES OF THE PREVIOUS MEETING**

It was **RESOLVED** that the Exempt Minutes of the meeting of the Sub-Committee, held on Monday, 29 January 2024 be approved as a correct record and be signed by the Chairman.

The meeting was declared closed at 12.07 pm

**Chairman**

## PREMISES/PERSONAL LICENSING SUB-COMMITTEE

17 JUNE 2024

### REPORT OF ASSISTANT DIRECTOR (GOVERNANCE & LEGAL)

#### A.1 TEMPORARY EVENT NOTICES – LEFT FIELD, HIGH BIRCH ROAD, WEELEY REF: TENOP/5161/24 and TENOP/5162/24

##### PURPOSE OF THE REPORT

To provide information in order that the Sub-Committee can determine objections to two Temporary Event Notifications (TEN).

##### SUMMARY

Two Temporary Event Notifications (TEN) have been sent to the Licensing Authority of Tendring District Council in accordance with Section 100 of the Licensing Act 2003 by Mr James Kingston.

Tendring District Council Environmental Services Department, being a Responsible Authority within the Tendring District area have submitted an objection notice for both applications with reference to the prevention of public nuisance.

The Committee is asked to determine the matter in accordance with the Licensing Act 2003, Tendring District Council Licensing Policy and the Home Office Guidance issued under Section 182 Licensing Act 2003, having due regard to the applicant's submissions and objections by the statutory body.

##### SUPPORTING INFORMATION

When carrying out its functions the licensing authority must have regard to the four licensing objectives.

The objectives are:

- The prevention of crime and disorder
- Public Safety
- The prevention of public nuisance
- The protection of children from harm

Temporary Event Notices are intended to allow an individual to use premises for one or more licensable activities on an infrequent basis. There is no application process, but the premises user must give at least 10 working days' notice to the relevant Licensing Authority, the relevant Chief Officer of Police, and The Local Authorities Environmental Health department not including the day of the event or the day of receipt of the Notice. There is no provision to attach any terms, conditions, limitations, or restrictions to such a Notice.

Mr Kingston (referred to in the Licensing Act as the 'premises User') has submitted the following Temporary Event Notifications to cover the licensable activities on the below dates:

Ref: TENOP/5161/24 – Left Field Event Site

Date	Activity	Times
21/06/2024	Sale of Alcohol on the premises and Late Night Refreshment	1800 – 0200
22/06/2024		1100 – 0200
23/06/2024		1100 – 2300
21/06/2024	Provision of Regulated Entertainment	1800 – 2300
22/06/2024		1100 – 2300
23/06/2024		1100 – 2300

Ref: TENOP/5162/24 – Left Field Event Site

Date	Activity	Times
12/07/2024 To 14/07/2024	Sale of Alcohol on the premises and Late Night Refreshment and Provision of Regulated Entertainment	1100 – 2300

The address of the event is Left Field, High Birch Road, Weeley, Essex. The premises does not hold a valid premises licence under the Licensing Act 2003.

The notifications were submitted electronically to the Licensing Authority on 6 June 2024. Essex Police and Environmental Health were informed on the same day. During the 3 full working day objection period, which expired on 11 June 2024, the Licensing Authority received an objection notice the Tendring District Council Environmental Services Department.

This hearing must therefore consider the points raised in the Objection Notices and make a determination on the Temporary Event Notice. The Applicant and Tendring District Council Environmental Services have been invited to attend the hearing and will be given the opportunity to address members.

The Safety Advisory Group which included Tendring District Council Environmental Services Department met on Tuesday 14th May 2024 to discuss the event/s. As a result of this meeting, the applicant was requested to provide sufficient evidence to address the concerns relating to noise impact. More information can be found in the Appendix.

#### **FINANCE, OTHER RESOURCES AND RISK**

A decision made by the Sub-Committee is subject to appeal at the Magistrates Court by the premises user or a relevant person.

#### **COUNCIL'S ADOPTED GUIDELINES AND LEGISLATION**

The Sub-Committee should be aware that a Temporary Event Notice is not an application for the purposes of the Licensing Act 2003. It is a notification that licensable activities are going to take place at a certain venue and at notified times. The limit on numbers at such an event, including audience, staff and performers is 499. The Police and Environmental Health have the right to object if, they are of the opinion that allowing the event to take place would undermine any of the licensing objectives.



The Sub-Committee's decision is whether or not to issue a counter notice. If a counter notice is issued this means the event cannot take place. A notice with reasons for the decision must also be given.

If the Sub-Committee decide not to issue a counter notice and allow the event to go ahead the premises user and the relevant persons must be given a notice of that decision.

The TEN can be modified (times, layout of venue, licensable activities) but only with the agreement of the premises user and all relevant persons.

The Sub-Committee must determine the matter in accordance with Section 105 Licensing Act 2003.

Section 105 Licensing Act 2003 Section (2) states: The Licensing Authority must –

a) Hold a hearing to consider the objection notice, unless the premises user (Mr Kingston), the relevant person (Tendring District Council Environmental Services) who gave the objection notices and the authority agree that a hearing is unnecessary.

b) Having regard to the objection notices, give the premises user a counter notice under this section if it considers it appropriate for the promotion of the licensing objectives to do so.

Section 105 Licensing Act 2003 Section (3) states:

The Licensing Authority must –

a) In a case where it decides not to issue a counter notice under this section, give the premises user and each relevant person a notice of the decision.

b) In any other case –

i. Give the premises user the counter notice and a notice stating the reasons for its decision and

ii. Give each relevant person a copy of both of those notices

The Sub-Committee's decision is whether or not to issue a counter notice. If a counter notice is issued this means the event cannot take place. A notice with reasons for the decision must also be given.

### **Section 182 Guidance - Police and environmental health intervention**

7.32 The system of permitted temporary activities gives police and EHAs the opportunity to consider whether they should object to a TEN on the basis of any of the licensing objectives.

7.33 If the police or EHA believe that allowing the premises to be used in accordance with the TEN will undermine the licensing objectives, they must give the premises user and the licensing authority an objection notice. The objection notice must be given within the period of three working days following the day on which they received the TEN.

7.34 Where a standard TEN was given, the licensing authority must consider the objection at a hearing before a counter notice can be issued. At the hearing, the police, EHA and the premises user may make representations to the licensing authority. Following the hearing, the licensing authority may decide to impose conditions which already apply to an existing premises licence or club premises certificate at the venue or issue a counter notice to prevent the event going ahead. As noted above, there is no scope for hearings (or appeals) in respect of late TENs and if objections are raised by the police or EHA in relation to a late TEN, the notice will be invalid and the event will not go ahead.

7.35 Such cases might arise because of concerns about the scale, location, timing of the event or concerns about public nuisance – even where the statutory limits on numbers are being observed. The premises user who signs the form is legally responsible for ensuring that the numbers present do not exceed the permitted limit at any one time. In cases where there is reason to doubt that the numbers will remain within the permitted limit the premises user should make clear what the nature of the event(s) is and how they will ensure that the permitted persons limit will not be exceeded. For example, where notices are being given for TENs simultaneously on adjacent plots of land it may be appropriate for door staff to be employed with counters. In each case it is important that licensing authorities and relevant persons can consider whether they believe that the premises user intends to exceed the 499 person limit or will be unable to control or know whether the limit will be exceeded. Where the planned activities are likely to breach the statutory limits or undermine the licensing objectives, it is likely to be appropriate for the police or EHA to raise objections.

7.36 However, in most cases, where for example, alcohol is supplied away from licensed premises at a temporary bar under the control of a personal licence holder, (such as at weddings with a cash bar or small social or sporting events) this should not usually give rise to the use of these powers.

### **Section 182 Guidance - Applying conditions to a TEN**

7.38 The 2003 Act provides that only the licensing authority can impose conditions to a TEN from the existing conditions on the premises licence or club premises certificate at the venue. The licensing authority can only do so:

- if the police or the EHA have objected to the TEN;
- if that objection has not been withdrawn;
- if there is a licence or certificate in relation to at least a part of the premises in respect of which the TEN is given;
- and if the licensing authority considers it appropriate for the promotion of the licensing objectives to impose one or more conditions.

7.39 This decision is one for the licensing authority alone, regardless of the premises user's views or willingness to accept conditions. The conditions must be notified to the premises user on the form prescribed by regulations.

## RECOMMENDATION(S)

The Sub-Committee must consider in its own right and on its own merits only as to how it might impact on the four licensing objectives which are the Prevention of Crime and Disorder, the Prevention of Public Nuisance, Public Safety and the Protection of Children from Harm.

The Sub-Committee is therefore asked to determine this notification taking into consideration all the relevant information that has been submitted as part of this report and at the hearing itself.

**That the Sub-Committee consider this report together with any other submissions at the hearing and determine if it:**

- a. Accepts the objections and issues a Counter Notice for all seven applications, or,**
- b. Rejects the objections, allowing all seven events to take place.**
- c. Partially accept the objections, reject/accept selected events to take place. Issuing a Counter Notice for the events which have been rejected.**

## APPENDICES

- Appendix A - Temporary Event Notifications and Location Plan  
Appendix B - Tendring District Council Environmental Health Objection  
Appendix C - Recommendations from Tendring District Council Environmental Health following the Safety Advisory Group

## REPORT CONTACT OFFICER(S)

<b>Name</b>	<b>Michael Cook &amp; Emma King</b>
<b>Job Title</b>	<b>Licensing Manager &amp; Licensing Officer</b>
<b>Email/Telephone</b>	<a href="mailto:licensingsection@tendringdc.gov.uk">licensingsection@tendringdc.gov.uk</a> <b>01255 686565</b>

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# A.1 - APPENDIX A

## Temporary Event Notice

TENOP/5161/24 - Application - 21-23 June 2024

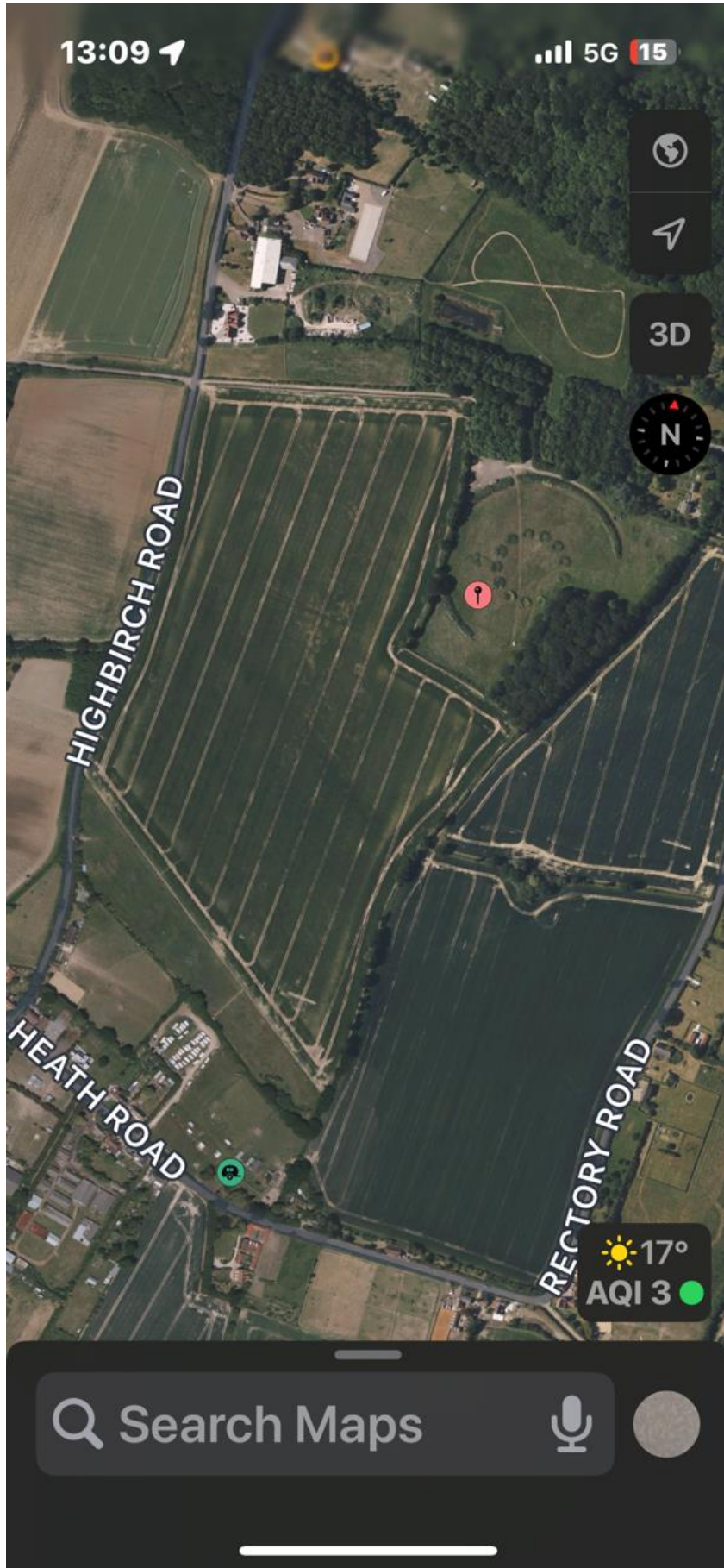
Applicant	Mr james Kingston
Applicant address	Given on application
Email address	Given on application
Premises Address	///wizards.leaps.unafraid CO169BU Land off of Highbirch Road
Premises Name	Left field event site
Does the Premises hold a Premises Licence	No
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details	Blank
Nature of Premises	Large meadow, Woodland and Barn
Nature of Event	Multiple day Electronic music festival
Licensable Activities	The sale by retail of alcohol, The provision of regulated entertainment, The provision of late night refreshment
Dates for the event(s)	June 21 <sup>st</sup> 2024 June 22 <sup>nd</sup> 2024 June 23 <sup>rd</sup> 2024
Times for the event(s)	Friday 21st 18:00 - 00:00 Saturday 22nd 00:00 - 02:00 / 11:00 - 00:00 Sunday 23rd 00:00 - 02:00 / 11:00 - 23:00
Provision of relevant entertainment	Friday 21st June 18:00 - 23:00 Saturday 22nd June 11:00 – 23:00 Sunday 23rd June 11:00 - 23:00
Maximun number of people	300
Where will alcohol be sold	On the Premises
Do you hold a personal licence	Yes - Issuing authority - Bury St Edmunds
Any relevant details	With agreement we will close down our main FOH stage system at 23:00 on all days and run background music during our serving hours
Confirm Read - Yes Full Name – james F Kingston Date - 06/06/2024	

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## Temporary Event Notice

TENOP/5162/24 - Application - 12-14 July 2024

Applicant	Mr james Kingston
Applicant address	Given on application
Email address	Given on application
Premises Address	///wizards.leaps.unafraid CO169BU Land off of Highbirch road
Premises Name	Left Field Event site
Does the Premises hold a Premises Licence	No
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details	Blank
Nature of Premises	Large meadow, Woodland and Barn
Nature of Event	3 day 2 stage local live music folk and blues festival
Licensable Activities	The sale by retail of alcohol, The provision of regulated entertainment,
Dates for the event(s)	July 12 <sup>th</sup> 2024 July 13 <sup>th</sup> 2024 July 14 <sup>th</sup> 2024
Times for the event(s)	Friday 12 <sup>th</sup> July – 11:00 – 23:00 Saturday 13 <sup>th</sup> July 11:00 - 23:00 Sunday 14 <sup>th</sup> July 11:00 - 22:00
Provision of relevant entertainment	Friday 12 <sup>th</sup> July 18:00 - 23:00 Saturday 13 <sup>th</sup> July 11:00 – 23:00 Sunday 14 <sup>th</sup> July 11:00 - 23:00
Maximun number of people	350
Where will alcohol be sold	On the Premises
Do you hold a personal licence	Yes - Issuing authority - Bury St Edmunds
Any relevant details	This is a local family friendly folk festival featuring talent from the wider essex and suffolk area in conjunction with local busneses who run live music and open mic evenings.
Confirm Read - Yes Full Name - james kingston Date - 06/06/2024	







**From:** Katie Wesley-Smith <[kwesley-smith@tendringdc.gov.uk](mailto:kwesley-smith@tendringdc.gov.uk)>  
**Sent:** Friday, June 7, 2024 4:14 PM  
**To:** Licensing Section <[licensingsection@tendringdc.gov.uk](mailto:licensingsection@tendringdc.gov.uk)>  
**Cc:** Michael Cook <[mcook@tendringdc.gov.uk](mailto:mcook@tendringdc.gov.uk)>; John Fox <[jfox@tendringdc.gov.uk](mailto:jfox@tendringdc.gov.uk)>; James Bates <[jbates@tendringdc.gov.uk](mailto:jbates@tendringdc.gov.uk)>; Steven BENNETT 42081907 <[Steven.BENNETT@essex.police.uk](mailto:Steven.BENNETT@essex.police.uk)>  
**Subject:** Temporary Event Requests: Mr James KINGSTON, Left Field, High Birch Road, Weeley

Good Afternoon – with reference to the below Temporary Event applications and the subsequent consultation request.

Environmental Protection wish to lodge an **objection** to the following requested events, submitted by Mr James KINGSTON:

### **Multiple Day Electronic Music Festival:**

Friday 21/06/24	18:00 – 00:00
Saturday 22/06/24	00:00 – 02:00
Saturday 22/06/24	11:00 – 00:00
Sunday 22/06/24	00:00 – 02:00
Sunday 23/06/24	11:00 – 23:00

### **3 Day 2 Stage Local Live Music Folk and Blues Festival:**

Friday 12/07/24	11:00 – 23:00
Saturday 13/07/24	11:00 – 23:00
Sunday 14/07/24	11:00 – 22:00

This response has been formed in relation to our responsibilities to ensure compliance with the Licencing Objectives, in this instance Prevention of Public Nuisance.

There are a number of factors of which have given rise to this objection and the considerations are listed below –

- Concerns over excessive noise / loud music
- Finish times of 0200
- Multiple discussions have taken place with Mr KINGSTON regarding the management and control of noise from previous event; officers are not satisfied the noise can be controlled in such a manner so as not to cause a public nuisance
- Location is within a rural setting with low existing background levels, with a number of residential properties within the surrounding area
- Complaints received from several nearby residents in relation to events (unbeknown to the Local Authority) during the summer months of 2023
- Complaints received from a number of nearby residential properties following event held by Mr KINGSTON over the May Bank Holiday weekend (24<sup>th</sup>, 25<sup>th</sup> and 26<sup>th</sup> May 2024)
- Environmental Health rescinded an objection to the previous multiple day electronic music event over the May Bank Holiday weekend to allow Mr KINGSTON the opportunity to evidence good noise management; officers are not satisfied this was evidenced adequately
- The site is not suited to this type of activity
- The number of events requested and the frequency, to be held by Mr KINGSTON on the site, will have a negative impact on nearby residents and has potential to cause a public nuisance

# A.1 - APPENDIX B

Should you have any queries, please do not hesitate to contact me.

Kind Regards

Katie

Katie W Smith BSc (Hons) MCIEH CEnvH  
Chartered Environmental Health Practitioner  
Environmental Protection Manager  
Tel: 01255 686 763 / 686 767  
Email: [kwesley-smith@tendringdc.gov.uk](mailto:kwesley-smith@tendringdc.gov.uk) / [environmental.services@tendringdc.gov.uk](mailto:environmental.services@tendringdc.gov.uk)

# A.1 - APPENDIX B

**From:** Katie Wesley-Smith <[kwesley-smith@tendringdc.gov.uk](mailto:kwesley-smith@tendringdc.gov.uk)>  
**Sent:** Friday, June 7, 2024 2:43 PM  
**To:** 'james@intersonic.co.uk' <[james@intersonic.co.uk](mailto:james@intersonic.co.uk)>  
**Cc:** Licensing Section <[licensingsection@tendringdc.gov.uk](mailto:licensingsection@tendringdc.gov.uk)>; Michael Cook <[mcook@tendringdc.gov.uk](mailto:mcook@tendringdc.gov.uk)>; John Fox <[jfox@tendringdc.gov.uk](mailto:jfox@tendringdc.gov.uk)>; Grant Fenton-Jones <[gfenton-jones@tendringdc.gov.uk](mailto:gfenton-jones@tendringdc.gov.uk)>  
**Subject:** Temporary Event Requests: Left Field, High Birch Road, Weeley

Mr KINGSTON - I refer to my previous emails and formal conversations with you in relation to the expectation this Service has in regard to the management of noise from your events.

Mr Fox has spoken to me following your conversation and highlighted that you are now considering undertaking the assessment of background levels and in addition said to Mr Fox that you would be prepared to ensure noise would not be audible at the boundary after 11pm although music would continue and you wished to continue serving alcohol until 2am. You did however highlight that you may wish to have an earlier start time of 10 or 11am, and I now respond to this setting out our overall position below.

As per my email to you dated 20<sup>th</sup> May 2024, we agreed to withdraw our objection to your initial three-day event, giving you the opportunity to evidence the noise from the event could be managed in such a way so as not to cause unreasonable interference with the use and enjoyment of nearby residential premises. We also discussed the relevant guidance in respect of noise for outdoor events. The guidance also considers factors such as location and the number of events being held. We provisionally advised (as outlined in my emails to you), that the "overall" level of the noise was not to exceed +15dB(A) above background. As you were unable to provide us with this information, we then also advised that a level of 65dB(A) for an LAEQ (15mins) (in line with relevant guidance) may be acceptable but given the rural location and having local knowledge of the area, no matter what measures are put in place there will still be some impact to residents. You were advised at the time, in our communications that achieving this level does not negate complaints being likely, nor did it confirm we would accept these levels in future.

In addition to the above, during our meeting this week, Monday 3<sup>rd</sup> June 2024, I tried to explain that quoting a level of 45dB as being achieved was a slightly moot point, as we did not have information of the existing background levels, and even if we had evidence of the background levels, the issue was the bass. Octave analysis would be required to identify where reduction is necessary. I will caveat all of this by also reminding you that regardless of levels achieved, if duly appointed officers perceive the noise from the event to be causing a statutory nuisance, action may be taken accordingly.

I do not necessarily feel I need to go over the ground already covered in our meetings and communications as I have clearly set out our position already. I understand you are now proposing to amend your times – of which means you wish to start earlier in the morning (10am or 11am) and then you have stated no music will be audible within an NSR (with window open for ventilation) from 11pm although I understand this is not necessarily the finishing time which may remain at 2am. I am also concerned about events starting even earlier on the site, given the number of events you are wanting to run.

Having consideration for the location, the times and the type of events being run, I did provisionally say that we would not look to object to your next TEN's for 15<sup>th</sup> June 2024 – as this is a one day event. In light of this, we will honour this for your next event and depending on the outcome of this and our assessment, we will then review our position. However, I have concerns over the three-day events and the frequency of those and the impact they will have on local, nearby residents. And on

## A.1 - APPENDIX B

that basis, I will be looking to object to those events, in line with the relevant Licencing Objective in regard to Public Nuisance.

I am aware Mr Fox has spent a considerable amount of time liaising with you and trying to organise meetings and provide responses to you; however, please be aware that Mr Fox's input as the Head of Health and Community is that he chairs our Safety Advisory Group which would cover a wide variety of issues. As this is becoming a very specific issue particularly relating to licensing and noise then you may find it more helpful to liaise direct with Licensing who link closely with Environmental Protection.

Of course, you do not necessarily have to undertake our suggested approach and I understand you are somewhat frustrated by this process and the responses you have received from this service.

We will not look to object to your next TEN (Deep Street on 15<sup>th</sup> June 2024), on the basis that the timings are in line with your original request: 12pm to 11pm. Please be aware we will be monitoring this event also and further assessment of our position will be performed the week after the event has taken place. However, I understand you are also wishing to hold a three-day event the following weekend for FUMP between 21<sup>st</sup> June 2024 to midnight on 23<sup>rd</sup> June 2024. Given our concerns on the last three-day event and the subsequent complaints received from residents, depending on what evidence you can provide us, and the outcome of our monitoring for the 15<sup>th</sup> June, we may consider not objecting; but as I have stated numerous times we are uncomfortable with the three day events and the frequency of them.

I have also queried the number of days you wish to hold events in a calendar year, as I am of the belief that in relation to TENs applications, no more than 21 days can be covered for the premises in question, during a calendar year. The number of events you have indicated you wish to hold on the site are in excess of 21 and are in fact 25 days. I will ask Licencing to confirm this, as I may be wrong; but if I am not you will need to look at a reduction in your event requests.

I would also like to confirm that this Service are only addressing concerns relating to noise from the event and as you are aware there were a number of other factors relating to the event that were questioned at the Safety Advisory Group. Given you are wishing to sell food on site as well as alcohol, and there will be camping on site, other relevant internal teams and external agencies may also wish to discuss this with you.

I hope the above outlines the position of this service.

Regards

Katie W Smith BSc (Hons) MCIEH CEnvH  
Chartered Environmental Health Practitioner  
Environmental Protection Manager  
Tel: 01255 686 763 / 686 767  
Email: [kwesley-smith@tendringdc.gov.uk](mailto:kwesley-smith@tendringdc.gov.uk) / [environmental.services@tendringdc.gov.uk](mailto:environmental.services@tendringdc.gov.uk)

# A.1 - APPENDIX C

**From:** Katie Wesley-Smith <[kwesley-smith@tendringdc.gov.uk](mailto:kwesley-smith@tendringdc.gov.uk)>  
**Sent:** Wednesday, May 15, 2024 3:52 PM  
**To:** 'james@intersonic.co.uk' <[james@intersonic.co.uk](mailto:james@intersonic.co.uk)>  
**Cc:** Licensing Section <[licensingsection@tendringdc.gov.uk](mailto:licensingsection@tendringdc.gov.uk)>  
**Subject:** Temporary Event Notices - Bush Wood, High Birch Road, Weeley - Various Dates

Good Afternoon Mr KINGSTON – with reference to your Temporary Event Applications concerning the below dates at the site known as Land Adjacent Bush Wood, Rectory Road, Weeley Heath:

FUMP MAGICAL MEADOWS:	Friday 24/05/24	18:00 – 00:00
	Saturday 25/05/24	00:00 – 02:00
	Saturday 25/05/24	12:00 – 00:00
	Sunday 26/05/24	00:00 – 02:00
	Sunday 26/05/24	12:00 – 00:00
DEEP STREET:	Saturday 15/06/24	12:00 – 23:00
FUMP MAGICAL MEADOWS:	Friday 21/06/24	18:00 – 00:00
	Saturday 22/06/24	00:00 – 02:00
	Saturday 22/06/24	12:00 – 00:00
	Sunday 23/06/24	00:00 – 02:00
	Sunday 23/06/24	12:00 – 00:00
KEEP IT REAL (FOLK FESTIVAL)	Saturday 13/07/24	12:00 – 23:00
	Sunday 14/07/24	12:00 – 22:00
FUNK & SOUL FOOD:	Saturday 03/08/24	12:00 – 23:00
	Sunday 04/08/24	12:00 – 22:00
FUMP MAGICAL MEADOWS:	Friday 23/08/24	18:00 – 00:00
	Saturday 24/08/24	00:00 – 02:00
	Saturday 24/08/24	12:00 – 00:00
	Sunday 25/08/24	00:00 – 02:00
	Sunday 25/08/24	12:00 - 00:00
FUMP WINTER SOLSTICE:	Friday 20/09/24	18:00 – 00:00
	Saturday 21/09/24	00:00 – 02:00
	Saturday 21/09/24	12:00 – 00:00
	Sunday 22/09/24	00:00 – 02:00
	Sunday 22/09/24	12:00 – 00:00

As you are aware this Service has submitted a formal objection to the proposed events of which we discussed at the Safety Advisory Group meeting on Tuesday 14<sup>th</sup> May 2024. As a result of this meeting we confirmed we would be willing to consider withdrawing our objection to your events should you be able to provide sufficient evidence to address the concerns relating to noise impact. In addition to this you advised you would look to withdraw all temporary event applications, other than the first event known as Fump Magical Meadows on 24<sup>th</sup> May 2024 – 26<sup>th</sup> May 2024. You also stated that you would reduce the end time of this event to 0100 hours.

In light of this I am contacting you to formally offer advice on what we would like to see included within a robust noise management plan. The following information is for guidance purposes only and

# A.1 - APPENDIX C

we would suggest inclusion of evidence of compliance with relevant legislation and guidance and any other controls you may have in place to reduce the impact the noise from the event will have on nearby residential premises:

- Site plan including location of staging area /s
- Information pertaining to equipment utilised and sound power levels
- Directional setting of amplifiers
- Information on whether any noise limiters are to be installed and if so, to what level
- Information relating to noise monitoring for the event – site plan confirming monitoring locations / type of monitoring equipment used / frequency of monitoring / levels being monitored / level at monitoring points you consider acceptable / plans to manage excessive noise
- Confirmation of complaints procedure for residents

As you are aware we are uncomfortable with the end time for the event and given the existing background levels for the location are low, therefore we are satisfied the noise from the event is likely to cause a public nuisance. We originally requested that the noise emitted from the site does not exceed +15dB(A)  $L_{A90}$  at the boundary of the nearest noise sensitive receptor, over a 15min period, up until 2300 -this was due to the number of events you were hoping to hold over a 12 month period at this site. However, as we are now only currently considering the one event on the site, we would as a matter of course, request that the levels emitted from the site to not exceed +15dB(A)  $L_{A90}$  above background or 65dB(A)  $L_{A90}$ , over a 15min period, whichever is the lower level. You were unable to confirm to us what overall levels were going to be emitted from the site, but you advised you would implement a number of techniques to dampen the sound; however, we are still uncertain of the actual levels you will be emitting and whether they will be within the realms of the above. We are aware that even if the levels are within the recommended levels, it does not mean complaints will not be received, but it does go some way to evidencing your attempts for compliance.

Given we have tentatively agreed to your proposal of a finishing time of 0100 and that the outcome of this event would hinge on any future event applications being submitted, we do strongly suggest the above information is considered and submission of a robust noise management plan is submitted to us, including but not limited to the guidance provided, before the arranged Licencing Committee Meeting on Tuesday 21<sup>st</sup> May 2024 at 1000. Should the information you submit supply us with more confidence in relation to how you will manage this event, we will consider withdrawing our objection.

Please be aware this email pertains only to noise from the event, and has not considered any other aspect of the management of the event.

Should you have any queries concerning this, please do not hesitate to contact to contact us.

Regards

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By virtue of paragraph(s) 2 of Part 1 of Schedule 12A  
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