

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

LICENSING COMMITTEE - WEDNESDAY 1 JUNE 2005

Title of report	DOWNLOAD FESTIVAL 2005
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Purpose of report	To consider an application for variation to the Occasional Outdoor Public Entertainment Licence (PEL) granted in respect of the Download Festival to be held at Donington Park on 10th, 11th and 12th June 2005
Strategic aims	Provide an attractive sustainable environment
Implications:	
Financial/Staff	All staffing costs are fully met in the licence fee
Health/Anti-Poverty	None
Crime and Disorder	The licence controls on the venue security, operated by Showsec Ltd. and Rocksteady Ltd., are to be extended to account for the increase in campsite capacity
Risk Management	A Multi-Agency team comprising, the Fire, Police and Ambulance services have appraised the risks associated with the increase in camping capacity and alternative land usage at the venue.
Human Rights	Under Article 1 of the first protocol, Licence holders are entitled to the peaceful enjoyment of their possessions. Under Article 8 of the first protocol, every one has the right to respect for his private and family life, his home and his correspondence.
E-Government	None
Comments of Monitoring Officer	Satisfactory
Comments of Section 151 Officer	

Comments of Head of Paid Service	
Consultees	Ward members, the Leicestershire Constabulary, the Leicestershire Fire and Rescue Service, the Castle Donington Parish Council and the East Midlands Airport
Background papers	A completed application for variation (including plans) and fee submitted by the promoter.
Recommendations	That the application for a variation to the Public Entertainment Licence, in respect of the Download Festival 2005, for an increase in camping capacity / land usage be determined having regard to representations from the Emergency Services, the East Midlands Airport, the Castle Donington Parish Council, the applicant and other relevant persons.

1. BACKGROUND

- 1.1 On 28th April 2005 the Licensing Committee granted a Public Entertainment Licence under the provisions of the Local Government (Miscellaneous Provisions) Act 1982 to "Clear Channel Entertainment – UK Music" for the Download Festival 2005.
- 1.2 The licence contains over 130 conditions that strictly control the health and safety of those attending the event. In particular, and as noted at the Committee, the licence sets limits for the capacities of the arena and campsites and which for this year's Festival are 60,000 persons and 25,000 persons respectively.
- 1.3 These capacities invoke a minimum standard of medical, fire, sanitary, security, Policing, etc. provision: The standards are in accordance official guidelines contained in the Health and Safety Commission document "Guide to Health, Safety and Welfare at Pop Concerts and Similar Events": The Fire and Police Service have their own generic legislative guidance.
- 1.4 At the time of the last Licensing Committee the promoter reported that ticket sales for one-day passes was low but sales for week-end passes (which include camping) were selling well and the campsite capacity was rapidly approaching its maximum 25,000 persons.
- 1.5 Entrance to the 3-day event is by ticket only and these can be purchased either on the dedicated Internet website or in person at the venue itself. The promoter has reported that sales of week-end (camping) passes have now ceased and this has been confirmed using the official Download website.

2. APPLICATION

- 2.1 Since 28th April 2005 there have been Multi-Agency Meetings with the promoters, the emergency services, representatives of the East Midlands Airport and officers of the council and concern has been expressed that a sell out of week-end (campsite) tickets could result in illegal and uncontrolled camping by persons arriving without tickets.
- 2.2 Such persons arriving at the venue and then expecting to purchase tickets are a feature of large Festivals and although "overspill" camping facilities are provided to accommodate them, within the licensed capacity of a venue, the reality is that final numbers cannot be accurately predicted.
- 2.3 The members of the Multi-Agency team have agreed that on the grounds of public health and safety it was crucial that no illegal and uncontrolled camping should take place on land elsewhere in the vicinity of the East Midlands Airport particularly on the open land near to the western end of the runway.
- 2.4 On 13th May the Multi-Agency team was advised by the promoters that there had been an excessive demand for week-end (campsite) passes and in consequence sales had continued beyond the permitted licence capacity.
- 2.5 The promoter reported that it was his intention to absorb the excess demand for the camping, reduce the prospect of illegal and uncontrolled camping and regularise matters with respect to the licence controls on campsite capacity and related land use.
- 2.6 On occasions licences granted for concerts / festivals held at the Race Circuit have fallen well short of the expected attendance and to reflect this the medical, fire, sanitary, security etc. provision has been duly downgraded to reflect this. In this case however the continued sales of passes has resulted in the licensed capacity being exceeded and the medical, sanitary etc. provision will need to be correspondingly upgraded.
- 2.7 The promoter, Clear Channel Entertainment - UK Music, have submitted an application for a variation to the Occasional Outdoor Public Entertainment Licence the details of which are:
- An extension in the campsite capacity from the original 25,000 persons to 35,000 persons. Please refer to Appendix 2 attached – completed application form.
 - A minor increase in land use to accommodate the increase capacity: The bulk of the increase in 10,000 persons is to be accommodated on land already designated for camping. Please refer to Appendix 3 attached – plans showing existing land use (Plan dated 13th April 2005 No.15) and proposed land use (Plan dated 25th May 2005 No.10).
- 2.8 If members are minded to grant the variation, then consequential amendments will be required to other conditions in the existing licence, for example – campsite sanitary provision (see Appendix 4).

2.9 Members may recall that at the last Licensing Committee specific mention was made of the diversion of the definitive footpath L87 around part of the campsite: The promoter has now confirmed in writing special barrier / escort arrangements that will be permanently in place for users of the footpath during the period of the Festival. An official diversion will now not be needed. Please refer to Appendix 5 attached – letter from the promoter detailing the footpath arrangements.

3. **RELEVANT CONSIDERATIONS:**

3.1 Licensing Authorities must take relevant considerations into account when determining whether or not a Licence should be varied. These will include the nature of the application, the suitability of the venue and the facilities that are provided there.

- The main grounds of the objection by the Castle Donington Parish Council are that they want to ensure that full consideration is given to the effect on Castle Donington village if the camping capacity is increased. Their concerns include aspects such as the provision of extra food stalls and sanitation including the provision of extra sanitation in the village. Please refer to Appendix 1 – letter from the Parish Council.
- There have been no other objections received from the consultees and which include the Leicestershire Constabulary, the Leicestershire Fire and Rescue Service and the East Midlands Airport.

4. **OPTIONS:**

4.1 The Committee has in principal a number of options open to it in determining this application. Clear reasons should be given for the decision made and any such reasons would need to be capable of being substantiated at any appeal hearing. The Legal advisor for the committee will be able to advise members at the meeting in this area.

- Grant the variation:

The committee may determine to grant the variation as the applicant has requested.

- Grant with conditions:

The committee may determine to grant the variation subject to altered or additional conditions.

- Refuse:

The committee may determine to refuse the variation application.

In the case of refusal the applicant would have a right of appeal to the Magistrates Court.

4. **RECOMMENDTION**

THAT THE APPLICATION FOR THE VARIATION TO THE PUBLIC ENTERTAINMENT LICENCE, IN REPSECT OF THE DOWNLOAD FESTIVAL 2005, FOR AN INCREASE IN CAMPING CAPACITY / LAND USAGE BE DETERMINED HAVING REGARD TO REPRESENTATIONS FROM THE EMERGENCY SERVICES, THE EAST MIDLANDS AIRPORT, THE CASTLE DONINGTON PARISH COUNCIL, THE APPLICANT AND OTHER RELEVANT PERSONS.

(C102)