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Date: 9 May 2023

My ref: Rewind Festival



**WOKINGHAM  
BOROUGH COUNCIL**

Governance  
Shute End, Wokingham  
Berkshire RG40 1WH

Mr Ronald Emerson  
The Reeds  
Remenham Lane  
Henley-on-Thames  
RG9 3DA

Dear Mr Emerson,

**APPLICATION FOR THE REVIEW OF PREMISES LICENCE PR0462 UNDER S51  
LICENSING ACT 2003 REWIND FESTIVAL LIMITED**

Following your application for a review of licence PR0468 for Rewind Festival Limited, a meeting of the Licensing and Appeals (Hearings) Sub-Committee was held on 28 April 2023 to determine the application.

The Sub-Committee comprised of three Members of the Authority's Licensing and Appeals Committee, namely Jackie Rance, Beth Rowland (Chairman) and Mike Smith.

Also present at the hearing were me Luciane Bowker (Clerk), Neil Allen (Legal Advisor to the Sub-Committee) and Keiran Hinchcliffe (Licensing Manager).

You were present and your Legal representative was Leo Charlambides. The following Remenham residents were also in attendance in support of your application: John Halsall, Michael Dudley, David Law, Neil Brown, Nigel Gray, Michael Williams and Bill Ronald (Chair of Remenham Parish Council).

Present representing the licence holder were Steve Porter and David Hartfield, and their Legal representative was Phil Crier.

In considering the application, the Sub-Committee gave full consideration to all the information submitted in writing, prior to the hearing and information given at the hearing by the Licensing Officer on behalf of the Local Authority, the applicant, interested parties and licence holder.

The Sub-Committee was reminded that in considering the representations received, the Licensing Authority had a duty to carry out its functions with a view to promoting the four licensing objectives:

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

The Licensing Officer representing the Local Authority addressed the Sub-Committee and made the following comments:

- The options available to the Sub-Committee were as listed in the report;
- The premises to which the license PR0462 related to was Rewind Festival Limited at Temple Island, River Thames, Remenham;
- The application for a review was received by the Licensing Authority from Ron Emerson on behalf of Remenham Farm Residents Association (RFRA) on 6 March 2023;
- The grounds for the review were that all the licensing objectives were being undermined;
- The details of the licence were as stated in the report;
- Supporting photographs and videos could be found in Appendices D, E, F, G and H;
- The 28-day consultation period ran from 7 March 2023 to 3 April 2023. The responsible authorities and ward members were notified by email of the application;
- Representations in support of the application were received from John Halsall and Neil Brown;
- A mediation meeting was held at the Council on 12 April 2023 with the Licence Holder and RFRA. Following this meeting, a response containing proposals was received from the Licence Holder which was circulated to all parties.

The following questions were asked:

Leo Charalambides - what is a SAG meeting?

Keiran Hinchcliffe – it is a Safety Advisory Group meeting hosted by the Local Authority. It is advisory and not statutory; it is attended by the responsible authorities and internal Council authorities. SAG meetings are held for a number of events.

Leo Charalambides – at this Council civil leaders of the society such as local councillors have also attended SAG meetings in the past?

Keiran Hinchcliffe – a local Councillor did attend a SAG meeting in the past. However, SAG meetings are generally attended by the licence holder, the event organisers, the local authority and responsible authorities. This is a voluntary meeting.

Phil Crier pointed out that the representation received from Neil Brown was received outside of the consultation period. However, all were in agreement that Neil Brown's comments were an extension of the RFRA representations.

Councillor Smith asked for clarification on John Halsall's representation. John Halsall stated that he was the deputy Chairman of the Parish Council and therefore his comments represented the Parish Council. Leo Charalambides clarified that John Halsall could be considered a witness in support of the application.

Neill Allen – who decides who sits on the SAG?

Keiran Hinchcliffe – the Licensing Authority decides who sits in the SAG, consideration has to be taken in relation to confidentiality.

Leo Charalambides addressed the Sub-Committee on behalf of the applicant. Some of the main points he made are listed below;

- Reviews are a key part of measures to protect the local community. Decisions should be made considering the wider public interest and not just the operator's interests;
- The local voice is of paramount importance in considering this review;

- Section 1.5 of the guidance sets out the aspects that can be considered under Licensing law;
- The guidance emphasizes the ability to take into account the views of the local community;
- The local residents were engaging with their councillors to establish the most appropriate licensing strategy for their local area;
- The decision on this review was going to be made by local people representing local people, and not experts in licensing. The Sub-Committee was required to determine the balance of the interests of the local community and the licence holder;
- There were events in the area every single weekend in the summer, and the Rewind was the biggest event;
- The local residents were experts with knowledge of the local area and the disturbance that large scale events caused to the local community, their voice should be heard and they should be involved in the SAG;
- The licence already provided for engagement with local residents (page 17 of the agenda), therefore involving the residents to the SAG meeting was a small ask;
- Local people were involved in policy consultations, why not involve them in a SAG meeting?
- What harm was there in involving the civil society in a SAG meeting? They could contribute with local knowledge and experience;
- The Chairman of the Parish Council could be the residents' representative in the SAG;
- There was only one road that led to the event. A Traffic Management Plan had been provided by the operator. However, there were concerns about its implementation;
- The plan had been produced by external contractors, there was value in involving local people with local knowledge of the area;
- An annual survey of the impact of the traffic before, during and after the event was asked for, in order to ascertain the effectiveness of the plan;
- A lot of promises were made in relation to the management of the traffic, but it was all based on trust. It was important to find out if the promises had been kept;
- As a result of the mitigation meeting, the licence holder has agreed that a qualified member of Chevron staff would be present at the entrance to Remenham Lane at relevant times during the festival to include the build and break period. It was questionable if one member of staff was sufficient, and they should be properly equipped with high visibility jackets;
- The residents had expressed some concerns over the traffic signals.

The following persons addressed the Sub-Committee in support of the application:

Ron Emerson:

- There were event activities 325 days per year, including setting up and taking down time, all causing disruption in the village and public nuisance;
- All events were labelled as Henley events, however it was Wokingham Borough Council that had to deal with licence applications, not benefiting economically from the events;
- The scale of the vehicles used to set up and take down events was enormous;
- In the last year the traffic management plan for Rewind Festival was abandoned immediately after the event, and there was chaos in the road.
- Marshals were ineffective, marshals, when challenged, responded that they had no power to direct vehicles, others were asleep;
- There was concern that if an emergency was to happen, there would be no access for emergency vehicles to reach the emergency – this was dangerous;
- There was better traffic management before and during the event, but not so much after the event, there was a perception that the community did not matter.

Neil Brown:

- The traffic management of the Henley Royal Regatta worked very well and that event was on a massive scale;
- The women's regatta, which was on a small scale also worked very well and they used volunteers as marshals;
- Although Rewind Festival used professional marshals, they were not as proficient as the volunteers used by the Women's regatta;
- When residents spoke to marshals from the Rewind Festival, it transpired that they did not know the traffic management plan and were not sure how to direct the traffic;
- The traffic was managed reasonably well before and during the event, but not after the event;
- There were differences between the Henley Royal Regatta and other events. The Regatta owned a lot of the heavy equipment which was already on site, and they did not use the single lane for access to the site. Also, the Regatta occurred over a longer period of time. The Rewind Festival was a massive scale event in just a week;
- The requirement for efficient marshalling during the whole duration of the event and taking down period was key.

John Halsall:

- He had lived in the area for over 45 years, been a ward councillor for 12 years and Chair of the Parish Council for 25 years;
- There were many events labelled under Henley for which WBC was responsible for without deriving any benefits for the Council or its residents;
- The local roads in Remengham had to be frequently repaired and WBC had to pay for it;
- The residents were only asking for representation in the SAG. The SAG should have access to data in order to base their plans;
- The SAG should include representation of all those involved in the event, not just the operator. The Chair of the Parish Council or his nominee should be invited to SAG;
- Access to the area was via very narrow country lanes. Any traffic event management plan needed to be carefully implemented or it would not work;
- A well-managed traffic plan was in the best interest of all those involved with the event;
- All other events used white noise reversing vehicles, so it was reasonable to ask that Rewind Festival also use white noise vehicles.

Leo Charalambides continued with his representation:

- He claimed that no licence officer had more experience in speaking with marshals during the event than the local residents, and they were willing to engage and share their expertise;
- In relation to white noise restrictions for articulated vehicles, the licence holder agreed to amend the licence condition to be "100 meters from the nearest residential property" rather than the existing '150 meters' on the licence;
- Neil Brown explained that the issue of the noise generated by large reversing vehicles was of great concern for the residents, as it caused disturbance for long periods of time. When the residents first contacted the operators about this issue, they were told that because of Covid, there was a shortage of white noise vehicles. Subsequently the residents were told by the operator that they were acting within the remit of the licence and were not obliged to use white vehicles. This noise disrupted residents and the natural habitat;
- Licensing issues were continually evolving and better practices were being developed. It was entirely legitimate to consider the environmental impact of events. This Council had

declared a Climate Emergency, therefore the consideration environmental impact of events was in line with the Council's policy;

- An annual environmental impact assessment report was being asked for, and this was in line with the licensing objectives;
- Ron Emerson stated that the current owners of the festival were not showing willingness to engage with the local community, previous owners had been more engaging.

During questioning the following points were raised:

Councillor Rance – has this festival been in operation for 14 years?

David Heartfield – yes barring one year due to Covid.

Councillor Rance – do the residents receive a fee from Rewind Festival to address the disturbance caused to their properties?

Residents – no.

In response to questions, Neil Allen stated that environmental issues could be taken into account by the Sub-Committee as they widely related to one of the licensing objectives, namely Public Nuisance. Keiran Hinchcliffe was in agreement that there was a wide remit that could be considered including things such as light, noise and litter.

Phil Crier stated that he had no experience or knowledge of an environmental impact assessment being a condition in a premises licence. He believed that this request was beyond the remit of the Sub-Committee. He added that a sustainability report had been submitted in relation to Rewind Festival in 2022, so there was already engagement in this respect.

Leo Charalambides stated that the environment would be impacted by the event, when 40,000 people would attend. He made reference to the use of plastic cups, chemical toilets and the carbon footprint and urged the Sub-Committee to consider these issues, and asked for an environmental impact assessment report to be included in the licence.

Neil Allen advised that there was no case law that dealt with where the line was drawn in considering wider Environmental issues such as carbon footprints with regards to Licensing. He reminded the Sub-Committee that any conditions should be clear and within the control of the Licence holder.

Phil Crier stated that there was no evidence of issues relating to the event's impact on the environment that suggested that an environmental impact assessment report was necessary. However, the operator was already producing a sustainability report which was issued by Green Nation. He believed that there was no need for this to be a condition in the licence.

David Heartfield stated that he held many licences, all over the country and environmental impact assessment reports were not a requirement for any of them. He was concerned that it was not clear what was to be included in such a report.

The meeting was adjourned for 10 minutes.

Upon reconvening, Phil Crier addressed the Sub-Committee and some of the main points raised by him are listed below:

- Following the mitigation meeting, it was agreed that in relation to white noise (page 20 of the agenda) it be changed from 150 meters to 100 meters;

- It was proposed to add the following wording to that condition: white noise beepers will be used on plant **and vehicles contracted by the licence holder and best endeavours will be used to require non-contracted vehicles to comply with the same standard;**
- The licence holder wished to engage with the residents and was willing to provide a sustainability report and receive comments about it;
- The draft Traffic Management Plan had been provided to residents this year and the licence holder was willing to do the same in following years, at least one month prior to the event;
- The licence holder was willing to provide a copy of the Event Safety Management Plan (ESMP) three months prior to the event;
- A community meeting with the residents to discuss any concerns arising was being proposed;
- The licence holder could not agree to have civil representation at the SAG meeting, one of the reasons was the issue of confidentiality and counter-terrorism;
- The event could not be run by committee, and there was an element of trust with all involved, including the local authority and responsible authorities;
- The responsible authorities had not submitted representations for this review and had not raised any issues;
- The licence holder was willing to engage with the residents and had put in place a few measures.

David Heartfield wished to clarify that the event attracted around 13.000 people a day, not 23.000 as it had been suggested. He added that he was a local resident too. He admitted that there had been issues with traffic management in 2022, and that he hoped that those issues were being addressed in this year's traffic management plan, including an additional steward on top of the lane in the road junction and additional days.

Ron Emerson pointed out that the marshals last year did not direct the traffic and they claimed that they did not have the power to do anything. He stated that the Regatta used Balfour Beatty and they used a barrier to direct the traffic, so it was very clear. He had no confidence that additional stewards would resolve the problem.

David Heartfield explained that the event organisers did not own the road, and as this was a two-way road they could not impose a one way system. He pointed out that the RFRA had opposed to a TRO applied for by the Rewind Festival.

David Heartfield stated that to direct the traffic, it was necessary to have a schedule 50 accreditation. They employed a suitable contractor to carry out the traffic management. He accepted that mistakes had been made but they were looking to do things better.

Leo Charalambides suggested that the local authority should hold a community engagement meeting three months before the event and another meeting one month after the event. It was important that these meetings be mediated by the local authority. The licence holder must attend these meetings and traffic management and environmental issues must be discussed. He asked that this be put to the licence as a condition.

Phil Crier was in favour of holding mediated community meetings but disputed the need to add rigid timescales as a condition.

Keiran Hinchcliffe agreed that the local authority should be involved in mitigation meetings. He advised that having a meeting before the event and another 'wash up' meeting after the event was advisable.

Leo Charalambides agreed that having a degree of flexibility in respect to the condition in relation to the community meeting was useful.

Michael Dudley stated that the people who were required to attend the SAG meeting did not have knowledge of the local area, he was of the opinion that local residents should be able to attend to provide local knowledge.

Ron Emerson asked that a mechanism be put in place for the residents to be able to have an input into the SAG meeting. The licence holder agreed with this suggestion.

Both parties were given the opportunity to sum up, but no new information was presented to the Sub-Committee.

The Sub-Committee retired in private, in the presence of the Clerk and Legal Advisor to make its decision.

Following consideration of the application and the relevant representations given verbally at the meeting and in writing, having regard to section 52 of the Licensing Act 2003 the Council's Licensing Policy and the Statutory Guidance, the Sub-Committee decided it was appropriate, in order to promote the Licensing Objectives to add the following conditions to the licence:

- 1) That the wording in relation to white noise be amended to read (page 9 of the licence):  
*White noise beepers will be used on plant and vehicles contracted by the licence holder and best endeavours will be used to require non-contracted vehicles to comply with the same standard operating less than 100 meters from the boundary of residential properties.*
- 2) Community meetings will be held and be convened by the Licencing Authority, one before and one after the event. The licence holder must attend these meetings and traffic management and sustainability must be discussed.
- 3) The premises licence holder will employ the services of a dedicated traffic management company to undertake an annual survey of traffic impacts arising from the set up for the event, the event itself and get out of the event. The traffic management company must consult with local residents, businesses and emergency services. The traffic management company must produce a Traffic Management Plan.. The TMP must be made available to local residents no later than three months before the start of the set up for the festival.
- 4) That a suitably qualified member of staff to direct the traffic at the junctions in Rememham Lane and White Hill (A413) will be continuously present.

The reason for adding these conditions were that it was accepted that Traffic Management last year had left much to be desired and the sub-committee found that this caused nuisance to the local community in terms of traffic congestion, noise and other pollution.

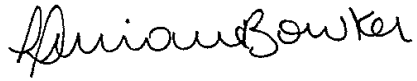
Further whilst the Sub-committee was grateful for the constructive and realistic approach of both sides to the Review it felt that there was a degree of lack of confidence between them and hence the Community Meetings would benefit that relationship, thereby promoting the licensing objectives, and help any future problems be anticipated and resolved without formal action. -

If you wish to, you can appeal to the Magistrate's Court against the decision. You must lodge your appeal with the Court within 21 days of receipt of this letter.

If you believe that the Sub-Committee was not administered fairly or correctly, you can make a complaint to the Local Government Ombudsman alleging maladministration by the Sub-Committee.

If you require any further information regarding any of the contents of this letter, please do not hesitate to contact me on the number listed above.

Yours sincerely

A handwritten signature in black ink that reads "Luciane Bowker". The signature is written in a cursive style with a large initial 'L' and 'B'.

Luciane Bowker  
Democratic and Electoral Services Specialist  
Governance  
Wokingham Borough Council