

Licensing & Regulatory Panel

Minutes of the additional Licensing & Regulatory Panel held at Saltisford One, Warwick, on Thursday 18 April 2024, at 10.00am.

Present: Councillors Barton, Matecki and Syson.

Also Present: Alaa Cronin (Council's Solicitor), Emma Morgan (Licensing Enforcement Officer), Sophie Vale (Principal Committee Services Officer) and Ruweni Fernando (Committee Services Officer- observing only).

1. Appointment of Chairman

Resolved that Councillor Barton be appointed as Chairman for the hearing.

2. Substitutes

There were no substitutes.

3. Declarations of Interest

There were no declarations of interest made.

4. Application for a new Premises Licence under the Licensing Act 2003 for St Nicholas Park, Banbury Road, Warwick

The Panel considered a report from Safer Communities, Leisure and Environment which had received a valid application for a new premises licence at St Nicholas Park, Banbury Road, Warwick. A representation has been received in relation to this application for the consideration of the Panel in the determination of the application.

When considering the application, the Panel gave appropriate weight to:-

- a) The representations received.
- b) Statutory guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.
- c) The Council's Licensing Policy Statement (attached as Appendix 6 to the report)
- d) The Licensing Objectives, which were:-
 - i) The Prevention of Crime and Disorder.
 - ii) Public Safety.
 - iii) The Prevention of Public Nuisance.
 - iv) The Protection of Children from Harm.

However, it had to only consider those licensing objectives which had been referred to in the representations received.

The Council's Statement of Licensing Policy provided that the authority would take an objective view on all applications and would seek to attach appropriate and proportionate conditions to licenses where necessary in order to ensure the promotion of the four licensing objectives. Each application would be judged on its own merits.

New Vision Events Limited applied for a new premises licence for St Nicholas Park, Banbury Road, Warwick on 23 February 2024. The application was for one weekend per year comprising of a Friday and Saturday between May to September.

The application was for the sale of alcohol on the premises and regulated entertainment. A copy of the relevant part of the application form was attached as Appendix 1 to the report.

The Licensing Department received an objection from Myton Road Residents Association, which was attached as Appendix 2 to the report. The response from the applicant to the objector was attached as Appendix 3 to the report. The Licensing Department also received an objection from Warwickshire Police attached as Appendix 4 to the report. The objectors had been invited to attend the Licensing and Regulatory Panel.

A number of conditions had been agreed with Trading Standards. The conditions agreed would form part of any licence, if granted, and were attached as Appendix 5 to the report.

Following pre-application discussions further conditions had been agreed with Environmental Health which the applicant included in their application. However, one of the conditions had been amended with the agreement of the applicant and Environmental Health. This condition was highlighted within Appendix 1 to the report and had been replaced with the following:

'The Premises Licence Holder (or their nominated person) shall ensure that the Music Noise Level (MNL) of the event shall not exceed 65dB(A) over a 15-minute period when measured at the locations specified in the Noise Management Plan.'

On Monday 25 March 2024 the Licensing Department received additional information from the applicant, which they requested be shared with all parties and Members. This was attached as Appendix 6 to the report.

No representations had been received from:

- Fire Authority
- The Licensing Authority
- Enforcement Agency for Health and Safety
- Authority Responsible for Planning
- National Health Service/Public Health

A plan showing the location of the premises was attached as Appendix 7 to the report.

The Chair asked Members of the Panel and officers to introduce themselves.

The applicants introduced themselves as Kristian Jones and Liam Hardy. Their solicitor introduced himself as Abs Rohomon.

The Council's Solicitor announced the procedure for the meeting. At the Chair's request, the Licensing Enforcement Officer introduced the report.

In response to questions from Members, the Licensing Enforcement Officer explained that:

- as long as the licensing fee was paid for each year, it remained in place until the applicant withdrew the application or it needed to come under review;
- clarified that the sound limit was 65 decibels;
- similar licenses had been in place in the district at St Nicholas Park and Victoria Park; and
- Environmental Health would take a case-by-case approach to decide what noise level was appropriate given the distance to residential areas.

In his opening statement, Mr Rohomon explained that:

- there was a lack of cohesion between the organisation of outdoor events and the Licensing Act 2003;
- outdoor events varied greatly in terms of risk and event type This variation was difficult to reflect in a licensing application;
- the Event Safety Management Plan (ESMP) detailed how the event would run, who was performing, and what safety measures were in place, and would be implemented in conjunction with a Safety Advisory Group (SAG);
- the ESMP included letter drops to residents, hotlines, and active noise monitoring that would be fed back to speaker systems;
- noise levels were dependent on stage location and would be placed in an area that would cause the least disturbance;
- similarly, speakers would be directionally angled down so that noise would be reduced;
- the Purple Guide would inform the ESMP, including security plans, plans for food, drugs policies, vulnerability and terrorism policies. The headings of the Purple Guide were contained in Appendix 6 to the report;
- they had started implementing the Safety Management Plan even though they were yet to receive the licence;
- they had been thorough and covered more than was required in the Purple Guide;
- the ESMP would then be considered by the SAG, the group designated under the Licensing Act 2003 for ensuring that rules were followed;
- the board included emergency services and other authorities that would want to ensure that the event was as safe as possible;
- if the SAG were not convinced that the event was safe, the event organisers might lose their investment which could amount to £50-£60k;
- the event organisers would not proceed unless they were confident that their event was safe;
- the SAG had the ability to withdraw their support for the event at any time;
- the applicants had invested a lot of time and money and had organised events across the country. Any concerns from SAG would result in reputational damage to applicants;
- the Café Mambo event was held at Warwick Castle in 2023, and it attracted 8,000 people;
- 14 event goers were treated for medical reasons, of which only four were treated for drug-use and alcohol over-consumption;
- the police had requested a door staff to customers ratio of 1:100, to which the applicants had agreed;
- they would continuously liaise with the police regarding local and national crime so any new information could be taken into account for security-related decisions;
- this level of care would be applied at all stages and the hope was now that the SAG process could be started;

- the applicants had been in contact with the Residents Association, whose main concerns were noise, parking, anti-social behaviour and crime. Before the event, a letter drop would be undertaken to inform residents of the procedures put in place by the applicants to mitigate these concerns;
- a noise management plan had been agreed with Environmental Health;
- The plan for parking at the event would be largely influenced by data obtained from ticket sales; information from data collected thus far suggested that:
 - over 50% of attendees were from the CV Postcode;
 - attendees would be familiar with the location and would mainly use public transport to get to and from the event.
- there had been discussions with the Business Support and Events manager about park access for pick-up and drop-off points;
- to minimise onsite parking, it was proposed that the car park of a nearby school be used as overflow parking, alongside Myton Fields car park;
- St Nicholas Park would not be used for parking, apart from for accessible parking purposes, and as a taxi pick-up and drop-off point;
- the terms and Conditions provided with ticket purchase would specify details of the event and public transport information to encourage eventgoers to arrive at the event by public transport;
- in order to tackle crime, there would be drugs dogs, bag and pat-down body searches and body cameras for door staff;
- the demographic for the event would be 35–45-year-olds who were expected to be less likely to partake in drug use and over-consumption of alcohol;
- Café Mambo (a famous bar in Ibiza) were trusted partners with the applicants;
- the DJs expected to play at the event were popular in the late 80s and early 90s;
- the event would be strictly for 18+ and the Challenge 25 policy would be implemented, therefore ID checks would be required at the door and at the bar;
- the applicants did not agree with the residents who requested for this to be an alcohol-free event as the applicants believed that alcohol was an integral part of the event and would be carefully managed through enhanced procedures. For example, alcoholic beverages would only be allowed to be purchased onsite, and would not be allowed to be taken outside the premises or brought in from elsewhere;
- the medical team present at the front door would assess whether people were fit to enter the venue;
- Mr Hardy would be involved with the briefing of bar staff as he was Designated Premises Supervisor (DPS), and as a holder of a personal license he had a reputation to uphold;
- these events would require foresight and planning and the applicants had planned for the event in a thorough manner; and
- the applicants were requesting one weekend of the year only.

In response to questions from the Panel, the applicants explained that:

- the event would start at 2pm and was expected to end at 10pm; the bar would open at 2pm and shut at 9.30pm. The last entry to the event would be 4.30/5pm;
- Mr Jones explained that the music would turn off at 10pm, and all attendees would need to leave. It was estimated that egress would take between 15-30 minutes;

- the schedule would start with more ambient DJs/music and then would build up to major DJs with slight breaks in between. They would run tests to determine how music/sound was travelling and it would be dependent on weather conditions; and
- as the DPS, Mr Hardy would oversee bar duties and work with a reputable bar supplier.

Regarding the identification of peoples ages via the information contained on drivers' licenses, Councillor Matecki pointed out the procedure written in the email supplied by the applicants in Appendix 6 to the report was incorrect and following that method of deduction would result in making someone older by nine years. Mr Rohomon noted that this was his error and that the easiest way to ascertain if someone was lying or not would be to ask them further questions i.e. star sign.

In response to a question about potential conflict due to parking at schools during term time, Mr Hardy explained that they were confident that they wouldn't need to use the school's parking area as they weren't expecting many drivers to and from the venue. Mr Rohomon highlighted that this event was due to be held on a Saturday hence it would be unlikely to interfere with school times.

In response to further questions from Members and the Licensing Enforcement Officer, the applicants and their solicitor advised that:

- local transport have not been contacted yet but they would liaise with them in the future if required;
- they were open to the idea of a drugs advice tent but noted they were expecting an older demographic, hence were expecting less instances of drug taking and over-consumption of alcohol;
- they also did not want to inadvertently advocate for drug-taking through the presence of a drugs advice tent;
- all staff would have drugs briefings;
- they had held similar events in Weston-super-Mare and Brighton, and had collaborated with Warrington Council in the past;
- the set-up and close-off of the event would take place between Tuesday to the following Monday. The key handover would take place on Tuesday and the site would be vacant by the Monday evening;
- the venue location contained within the fence line contained 20,000sqm of available space which could hold 40,000 people comfortably. With infrastructure in place, the event could still hold 30,000 people, so there would be plenty of room for all event attendees;
- they would adhere to Department for Communities and Local Government guidance and calculate the flow rates, meaning that they would aim for all attendees to vacate the premises within 10 minutes of the event finishing;
- there would be no re-entry to the event apart from medical reasons; and
- the spiking policy would be contained within the Vulnerability Package training.

The applicants and Mr Rohomon confirmed that they had nothing further to add.

At 10.57am the Chairman asked all parties other than the Panel, the Council's Legal Advisor, the Civic and Committee Services Manager and the Committee Services Officers to leave the meeting, in order to enable the Panel to deliberate in private and reach its decision. The decision would be communicated in writing via

email to the applicant and interested parties later on the same day, followed by a written notice with a full decision within seven days.

Resolved that the application be granted.

The Licensing Panel has taken note of all of the written representations made in respect of the application for a Premises Licence by New Vision Events Limited ('the Applicant') for St Nicholas Park, Banbury Road, Warwick, CV34 4QY and has listened to all those who have spoken at the Hearing.

In reaching its decision, the Panel took into account Warwick District Council's Statement of Licensing Policy and the statutory guidance issued under *section 182 of the Licensing Act 2003*.

The Panel noted that in the course of the application process, a number of conditions had been proposed by Trading Standards and the Environmental Health department which the Applicant agreed would form part of the Premises License should it be granted.

It was also noted that while relevant representations had been made by Warwickshire Police dated 21 March 2024, these were withdrawn on 15 April 2024 following the Applicant agreeing that conditions proposed by the Police would also form part of the operating schedule if the Premises License were granted.

The Panel considered the representations made by Myton Road Residents' Association, received on 26 February 2024, and not withdrawn. The Residents' Association objected to the application and specifically to the sale of alcohol at events, on the basis that it could contribute to crime and disorder and potential harm to attendees and the park itself. The Panel considered the Residents' Association's request for it to prohibit the sale of alcohol at the Premises unreasonable, however, it acknowledged the concerns raised about noise disturbance, parking problems, as well as anti-social behaviour and crime. The Panel considered the conditions agreed between the Applicant, Environmental Health, Trading Standards and Warwickshire Police, and reached a unanimous view that they would adequately address the concerns raised by the Residents' Association and promote the Licensing Objectives.

The Panel therefore determined to grant the premises licence subject to such conditions as are consistent with the operating schedule accompanying the application, which include those agreed with Trading Standards (as amended) and the additional conditions agreed between the Applicant and Environmental Health and Warwickshire Police, which are considered appropriate for the promotion of the licensing objectives.

The Applicant or any person who has made representations may appeal against the decision of the Panel to the Magistrate's Court within 21 days of issue of formal notification of the decision.

Cllr Barton (Chair),
Cllr Syson, and
Cllr Matecki

(The meeting ended at 11.03am)

CHAIRMAN
24 July 2024