

Licensing & Regulatory Panel

Minutes of the Licensing & Regulatory Panel held remotely, on Tuesday 24 November 2020, at 10.00am.

Present: Councillors Grey, Leigh-Hunt and Syson.

Also Present: Mrs Tuckwell (Civic & Committee Services Manager), Mrs Dury (Principal Committee Services Officer, observing only), Mrs Gutteridge (Council's Solicitor), and Mrs Dudgeon (Licensing Enforcement Officer).

1. **Appointment of Chairman**

Resolved that Councillor Leigh-Hunt be appointed as Chairman for the hearing.

2. **Declarations of Interest**

There were no declarations of interest made.

3. **Application for a Premises Licence under the Licensing Act 2003 for Folk Festival, land at Castle Car Park, Stratford Road, Warwick**

The Panel considered a report from Health and Community Protection which asked Members to decide whether the premises licence application for Folk Festival, land at Castle Park, Stratford Road, Warwick should be granted and, if so, whether the licence should be subject to any additional conditions.

The Chairman asked the Members of the Panel and officers present to introduce themselves. The applicant then introduced himself as Mr Dixon, Festival Director of Warwick Folk Festival, joined by Mr Plumb, Chairman of Warwick Folk Festival and Mr Smith, DPS for Warwick Folk Festival. Ms Butcher, Chair of Warwick Chamber of Trade, was another registered speaker and joined the meeting at 10.07am.

The Legal Advisor announced the procedure for the meeting. At the Chairman's request, the Licensing Enforcement Officer introduced the report.

Warwick District Council, as the Licensing Authority, received a valid premises licence application for Folk Festival, land at Castle Park, Stratford Road, Warwick. Representations had been received in relation to this application for the consideration of the Panel in the determination of the application.

Warwick Folk Festival Limited applied for a new premises licence on the land at Castle Park, Stratford Road, Warwick on 30 September 2020. The application was for the event known as the Folk Festival, which in previous years had taken place at another location within Warwick. The entrance to

the event site would be through the Warwick Castle Car Park entrance on Stratford Road.

The applicant agreed an amendment to the hours for live and recorded music with Warwick District Council Environmental Health. Following this agreement, the licensable hours and activity being applied for by the applicant were:

Supply of Alcohol for Consumption On and Off the Premises:

Thursday from 12:00 to 01:00

Friday to Sunday from 11:00 to 01:00

Live Music (Indoors and Outdoors)

Thursday from 12:00 to 00:00

Friday to Sunday 10:00 to 00:00

Between the hours of 08:00 and 23:00, when amplified live music was taking place to an audience of less than 500 people and the premises was licensed for the sale of alcohol for consumption on the premises; or when unamplified live music was taking place to any number people on any premises, all licensing conditions applicable to the control of live music on this licence were deemed not to be in operation.

Recorded Music (Indoors)

Thursday from 12:00 to 00:00

Friday to Sunday 10:00 to 00:00

Between the hours of 08:00 and 23:00, when recorded music was taking place to an audience of less than 500 people and the premises was licensed for the sale of alcohol for consumption on the premises, all licensing conditions applicable to the control of recorded music on this licence were deemed not to be in operation.

Plays (Indoors)

Thursday from 13:00 to 23:00

Friday to Sunday 10:00 to 23:30

Between the hours of 08:00 and 23:00, when plays were taking place to an audience of less than 500 people, all licensing conditions applicable to the control of plays on this licence were deemed not to be in operation.

Performance of dance (Indoors and outdoors)

Thursday to Sunday from 10:00 to 01:00

Other Activities of a similar description to that of live music, recorded music or performance of dance. (Indoors and outdoors)

Friday to Sunday from 10:00 to 20:00

Late night refreshment (Indoor and outdoor)

Thursday to Sunday from 23:00 to 01:30

Opening Hours

Thursday from 12:00 to 01:00

Friday to Sunday from 09:00 to 01:00

An operating schedule, which had been submitted by the applicant and would form part of any licence issued, was attached as Appendix 1 to the report.

The applicant had agreed conditions with Environmental Health, Warwickshire County Council Safeguarding and Trading Standards which were attached as Appendix 2 to the report. Their objections were subsequently withdrawn.

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

The Licensing Department had received one objection to the application from a local resident, attached as Appendix 3 to the report, and representations in support of the application from Warwick Town Council and Warwick Chamber of Trade were attached as Appendices 4 and 5. Under the Licensing Act 2003, if representations were received in relation to an application, a hearing had to be held to consider the representations.

A satellite image of the site was attached as Appendix 6 to the report. A map of the event site provided by the applicant was attached as Appendix 7.

When considering the application, the Panel had to also give 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 8); and
- 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, the Panel had to only consider those licensing objectives which had been referred to in the representations received.

The Licensing Enforcement officer advised Members that regarding the second paragraph from last in Appendix 1, the concert would finish at 11pm (not 11am as stated in the appendix).

When given the opportunity by the Chairman to make his representation, Mr Dixon informed Members that the festival had been running for 40

years on a voluntary basis, and the need for a new licence was because it had moved to a different location, having been at Warwick School for some 30 years, which had been very happy years. Mr Dixon informed Members that during this time, the festival was always welcomed by the people of Warwick and he had no complaints from neighbours. Warwick Folk Festival was a family-friendly event, being attended by people of all ages. In the 40 years since running the event, the organisers never had to call the police on site to deal with any rowdiness. Now, having been welcomed at the new location and benefitting from the support of Warwick Castle, it was very much Mr Dixon's intention to be good neighbours to the new local residents.

In answer to questions from Members, Mr Dixon and Mr Smith explained that:

- this was a fully ticketed event, where tickets were also sold at the entrance;
- the layout had been carefully planned, taking into account the local residents and aiming to minimise any noise disturbance. Having three marquees on site, it was crucial that these operated together, without interfering with each other, including in terms of noise; and
- the finishing times for the consumption of alcohol was the same as in previous years, until 1.30am, with the sale of alcohol available until 1am. They had traded until these times in the morning in previous years and had no issues. This was not unusual for such events, others selling alcohol until even later in the night, and Mr Smith was very comfortable with the hours applied for.

The Council's Solicitor advised that "late night refreshment" meant the sale of hot food, which had to be licensed after 11pm. The application was for supply of alcohol until 1am on Thursday to Sunday, and for supply of late night refreshments until 1.30am on Thursday to Sunday. She reminded Members that late night refreshments and the sale of alcohol were two separate matters.

Mr Dixon informed Members that a campsite adjoined the festival, where people would spend the night. As a result, refreshments were provided until later in the night, to give those camping an opportunity to relax and use them without having to leave the site. Live music, which could upset the neighbours, was not being played, with only acoustic music provided. Families would be using the campsite, so a lot of noise was not going to be made. The organisers were keen not to upset local residents or those staying in the campsite.

In answer to a question from Councillor Grey, Mr Dixon advised that the majority of people attending the festival camped there for the weekend. However, the festival was indeed also attended by local residents from Warwick as well – about 100-200 people would usually come for the day, many of whom walked to the event. Although the entrance at Warwick Castle was small, the amount of cars coming in and out of the car park on a daily basis was significant, with thousands of visitors each day using that entrance, and it was never a problem. Once visitors arrived on a

Thursday, they would put up their tents, campervans etc. and go on foot into Warwick town using the pedestrian entrance. As a result, there was not a lot of traffic late at night. Most people would come and park in the field next to their tent or mobile home. The car park for the day visitors was bigger than what the festival had before, and Mr Dixon did not expect at all that visitors would park in the nearby streets.

When invited to make her representation, Ms Butcher, Chairman of the Warwick Chamber of Trade, advised Members that the Chamber of Trade fully supported the application. The Folk Festival had been a feature for a number of years and was a huge economic benefit for the town. Of all the events that happened in Warwick, this was probably the one bringing the most economic benefit. Particularly during 2020 and 2021, given the economic hit suffered by the town with the Coronavirus pandemic, to have an event such as the Folk Festival going ahead would be huge boost for local businesses. Ms Butcher emphasised that, without fail, all businesses looked forward to the Folk Festival. The people visiting were "lovely people", the atmosphere in town was fantastic and as far as she was aware, there had not been any complaints regarding behaviour during the festival. Ms Butcher lived on one of the nearby streets herself and she was not worried about impact on traffic or anything like that. The Chamber of Trade had no concerns in supporting the application.

There were no questions for Ms Butcher.

The Chairman invited Mr Plumb to make his statement. Mr Plumb had been involved with the festival for many years. The festival was family-oriented and the organisers never had any trouble on site. The festival was very well respected in the country, not just locally. A plan for the area had been done and there was more than adequate parking available. Mr Plumb was looking forward to the event and hoping it would go ahead, given the Coronavirus restrictions. The event was beneficial for the local economy, bringing in close to £500k.

Members had no questions for Mr Plumb.

Mr Smith, at the request of the Chairman, made his representation to the Panel. He had been involved with the festival for a number of years, and had also been the DPS for the event. He was in support of the other speakers' points in terms of the event having operated trouble-free in the past, and apart from the change of venue, it would be managed in the same manner in the future. Whilst some "little hiccups" could be expected in the first year at the new location, the organisers would work hard to get these resolved as soon as they emerged.

In answer to a question from the Chairman, Mr Smith and Mr Dixon confirmed that they would both be in attendance on the site all the time. Ms Butcher did visit the festival but she would not be there at all times.

In his final statement, Mr Dixon emphasised that the organisers of the Folk Festival always sought to make local residents and the local authority proud to have the festival and to welcome it in Warwick every July.

At 10.38am, the Chairman reminded those present of the procedure: the remote meeting would be ended by the Civic & Committee Services Manager; a separate meeting would be arranged with the Members of the Panel, the Legal Advisor and the Civic & Committee Services Manager; 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.

At a public hearing on 24 November 2020 Warwick District Council's Licensing Panel considered an application made under the Licensing Act 2003 by Warwick Folk Festival Limited in respect of land at Castle Park, Stratford Road, Warwick for an event known as the Warwick Folk Festival which in previous years has taken place at another location in Warwick. The application was for the use of the premises for the licensable activities as set out in paragraph 3.5 of the Licensing Officer's report. The operating schedule and the conditions agreed by the applicant were detailed at Appendix 1 and Appendix 2.

At the beginning of the hearing the Licensing Officer confirmed that the finishing time for the Kingmaker Marquee referred to in Appendix 1 was 11pm.

The Panel heard from Mr Dixon, the Festival Director who explained that the new application was required as the festival was moving from its previous location at Warwick School. Mr Dixon further explained that the folk festival had been taking place in Warwick for nearly 40 years and it was run by volunteers. There had never been any need to call the police to the site and neighbours had not had any issues. Mr Dixon said that it was a family friendly event that was fully ticketed. The owner of the new premises was fully supportive of the event as were Warwick Castle who were happy to allow the festival to use their car park entrance.

In response to a question from Cllr Syson Mr Dixon explained that they had considered the impact on residents when deciding where to locate the various marquees and that it was important noise levels from each marquee were not too high as they would interfere with the other performances taking place. Mr Dixon also explained that most people attending the festival stayed and camped on site with only between 100-200 local people attending for the day.

Mr Smith, the Designated Premises Supervisor and Mr Plumb, the Chair of the Warwick Folk Festival also attended and addressed the Panel explaining that the festival had run for a substantial number of years, that those running it were very experienced and that it was well respected national event. They explained that it was very important that it had the support of the residents and businesses of Warwick and that any nuisance was avoided.

Ms Sue Butcher, Chairman of the Warwick Chamber of Trade also attended and spoke in support of the application. Ms Butcher stated that the festival was the single largest event held in the town and a huge benefit; it was very much welcomed by local businesses and it was hoped that this year, in particular, it would provide a much-needed boost. It was well run and did not cause problems. Ms Butcher explained that she lived close to the site and was not concerned about the impact on local residents.

There was one written objection to the application (Appendix 3) which raised concerns about security of the area of Lodge Crescent, Foxes Crescent, Foxes Way and Temple Grove and that the supply of alcohol, late refreshment and entertainment would be a disturbance with noise and possibly anti-social behaviour. The person objecting did not speak at the meeting and had declined to send in any further representations.

In making their decision the Panel considered all of the information provided in advance of, and at, the hearing and the statutory guidance and the Council's Statement of Licensing Policy.

The Panel considered that the potential impact on the licensing objectives and in particular public nuisance. The Panel noted the lack of any objection from Environmental Health and the fact that only one objection had been received. It was also noted that Warwick Town Council had provided a letter in support (Appendix 4). The Panel, having considered the history of the festival, the experience of the organisers, the lack of previous problems and the measures contained within the operating schedule and the conditions, decided to grant the licence.

(The meeting ended at 10.38am)

CHAIRMAN
8 February 2021