

Licensing & Regulatory Panel

Minutes of the Licensing & Regulatory Panel held on Tuesday 25 April 2017, at the Town Hall, Royal Leamington Spa at 10.00am.

Present: Councillors Mrs Cain, Davies and Mrs Redford.

Also Present: Mr Howarth (Council's Solicitor), Mrs Dury (Committee Services Officer) and Mrs Dudgeon (Licensing Officer).

1. **Substitutes**

Councillor Davies substituted for Councillor Miss Grainger.

2. **Appointment of Chairman**

Resolved that Councillor Mrs Redford be appointed as Chairman for the hearing.

3. **Declarations of Interest**

There were no declarations of interest.

4. **Application for a premises licence under the Licensing Act 2003 for Sherbourne Park, Sherbourne, Warwick**

The Panel considered a report from Health and Community Protection which sought a decision on an application for a premises licence from Tegan Eldridge for Sherbourne Park, Sherbourne, Warwick.

The Chairman introduced the members of the Panel and the officers present. The other parties then introduced themselves as:

- Ms Eldridge – St Anne's College, Oxford University – Student and Ball President;
- Ms Ball – St Anne's College, Oxford University – Student and in charge of organising security for the Ball;
- Mr Merridew – Domestic Bursar at St Anne's College, Oxford University;
- Mr Ford – Treasurer for St Anne's College, Oxford University;
- Mr Beale – Noise Consultant from SPL Track Limited which had been commissioned by the event organisers;
- Mrs Gordon – Resident of Sherbourne, objector;
- Mr Vaughan-Rees – Resident of Sherbourne, objector;
- Police Sergeant Calver from the Harm Reduction Team, Warwickshire Police;
- Mr Shirley – Technical Officer, Environmental Sustainability, Warwick District Council.

The Council's Solicitor explained the procedure for the hearing.

The Licensing Officer outlined the report and asked the Panel to consider all the information contained within it and the representations made at the meeting, in order to determine if the application for a premises licence should be approved and, if so, whether the licence should be subject to any conditions.

The application was for a premise licence for Sherbourne Park, Sherbourne, Warwick for the sale of alcohol, regulated entertainment and late night refreshment at a Grade II listed Georgian estate. Ms Eldridge had submitted the application for the licence on 16 March 2017. The event would take place in the grounds of the estate both outside and inside marquees.

The premises licence had been requested to run from 12 May 2017 to 14 May 2017. If granted, the licence would lapse at 03:00 hours on 14 May 2017 and the licence would then become invalid.

The licensable activities requested had been amended since the original application was made and details were circulated at the hearing and were as follows:

	Opening Hours	Sale of alcohol for consumption on the premises	Live Music, Recorded Music and anything of a similar description to live music, recorded music or performance of dance	Late night refreshment
Saturday 13 May to Sunday 14 May 2017 only	18:30 to 03:00	18:30 to 02:30	19:00 to 00:00	23:00 to 02:30

In addition, an operating schedule had been provided by the applicant which would form part of any licence issued, and this was laid out at section 3.4 of the report, with amendments to this also circulated at the hearing.

The Licensing Officer advised that the Licensing Department had received 17 objections in relation to the application and one in support. An objection had been received from Warwickshire Police, which was attached as appendix 1 to the report. An objection had also been received from Environmental Health, which was attached as appendix 2 to the report. A further three objections and four letters in support had been received subsequent to when the agenda for the hearing had been published and these were attached in an addendum that had been circulated prior to the hearing and formed appendices 21 to 27. A second addendum had also been issued prior to, and at, the hearing giving a further representation from Environmental Health with suggested conditions for the licence. There was also a Method Statement from Origin Technical Productions supplied which gave details on the stage and structure construction and event power. A full set of risk assessments were also provided, a Noise Management Plan, and an Event Management Plan.

Ms Eldridge drew Members' attention to the revisions to the application. These were detailed in the handout that had been circulated at the meeting. The hours requested had been changed from those detailed in the report, to those stated in the minutes in the table above and a "Silent Disco", whereby all music would be

fed through to the students through headphones, would now operate from 00:00 to 03:00 hours. Other concessions had been made to mitigate concerns that had been expressed, and these too were listed in the handout.

Ms Eldridge spoke to the changes and drew attention to the fact that tickets for the event would cost £100. Wristbands would be issued to attendees when they provided photo ID. If any attendees misbehaved, then their wristband would be removed and they would be sent back to Oxford at the earliest possible moment. SIA qualified staff would control the event for safety and security and the firm providing this staff had handled over 200 previous Oxford University events. They would ensure that attendees did not leave the site. The fireworks display had been cancelled.

On the 2 May, a site visit had been made to meet with Fire Officers to check access. The event was closed ticket sales, so there would be 1160 attendees. Six members of St John's Ambulance staff would be on site.

A drinks token scheme would operate. People would be allocated five tokens each providing they were wearing a wristband. This would help ensure that people could only have a maximum of five alcoholic drinks. Water would be readily available. Food was provided and there was no limit to the amount people could consume. Rubbish bins would be provided and people would return the following day to clear up the area.

The music fed through loud speakers would be switched to headphones only at midnight, and hay bales would surround the perimeter to dampen sound. Two phone numbers would be available, one of which was for a mobile phone Ms Eldridge would keep. There were also two phone lines for the house.

Coaches would not drive through the village and coach marshals would be briefed. They would ensure a steady departure of guests so that by 3am, only about 300 people would be remaining.

In respect of the conditions requested by Environmental Health, the organisers accepted all of them except for (3), because they would like the music to remain until midnight; and (11) because they required a few coaches leaving at midnight to return via Fulbrook Lane.

In response to questions from the Panel, the applicant responded that:

- Three guards would be in the marquee, and a further one would support bar staff.
- Staff would use radios to communicate.
- The last event held by the students had less people and was held at a site to the south of Oxford. The current event was for more people, hence why a different venue had been required.
- People who needed medical attention would be sat in a medical tent.
- If students were found with drugs, they would be escorted to the event control centre.
- Two university Assistant Deans would also be present, one of whom would be in the event control centre, and one of whom would be in the medical tent.
- Whilst the Secret Garden would be fenced off, the fencing could be removed quickly in an emergency.

- The SIA staff were fully trained for fire emergencies and in crowd control. Advice had been taken from the Fire Service.
- The fencing surrounding the swimming pool would be six feet high.
- Lighting would be required at 3am for safety.
- Staff would stop students who were not coping to use the rides. 125 staff would be present at the event and enough would be assigned to the rides.

Mrs Gordon advised the Panel that there had been problems at events at the venue previously when TENs had been granted to run events. The Council's Solicitor advised the Panel that they should consider this application on its merits. The Licensing Officer advised that the TENs had been granted on the site, not this applicant. She was unaware of any issues relating to those events.

The Chairman invited other parties to question the applicant or comment on the application.

Sergeant Calver asked whether the plan was flexible enough to increase the number of staff in the marquee if required and was told that if the main marquee was full, the security manager would radio and request staff. Additionally, the main manager would patrol as well as the marshals. They did not anticipate that the marquee would get full.

The applicant also explained to Sergeant Calver that when people were to be ejected from the event, the detention policy would be followed, followed with an escort back to Oxford.

Mrs Gordon commented that Ms Eldridge had no experience of running events, but it was pointed out to Mrs Gordon that Ms Eldridge had full support from qualified people who were used to running events of this nature. The Noise Consultant endorsed the view that the professionals behind the organisation of this event knew what they were doing.

Mr Vaughan-Rees was informed that whilst there was no maximum number of people who could attend the event, 1160 tickets had been sold.

Sergeant Calver commented that following a lack of information when the application was initially made, he was satisfied that work had now been done and many of the concerns from the Police had been addressed. He asked for an undertaking that if students had 'pre-loaded' in Oxford, they would not be allowed to board the coaches to the event. He asked that this be a condition on the licence and that people were given five tokens for drinks which could be worn around the wrist, and each time they went to the bar, a member of staff would remove the one token, so preventing people fetching more than one drink at a time. He also asked that perimeter patrols were logged and a vehicle be available to fetch any attendees found wandering. Sergeant Calver confirmed that he was satisfied that the event had been planned in a responsible manner.

The Council's Solicitor informed the Panel that some of the items requested by the Police might be difficult to set as conditions on the licence, but suggested that the applicant might be willing to put them as part of their plans. Ms Eldridge confirmed that they would be willing to do this.

The Environmental Health Officer was invited to comment and stated that objections had been made by Environmental Health because of concerns about noise and public nuisance. The officer noted that many of the concerns had been

addressed by the applicant. He requested that music volume be limited to 45 decibels after 11pm, not the 60 db requested by the applicant. People living in nearby housing would be disturbed. He was concerned because the applicant could not guarantee that the number of people on the site would reduce through the evening as the coaches returned to Oxford; the noise from 25 coaches arriving and leaving would cause disturbance. Condition 11 would have minimised this but the applicant had now informed the Panel that not all of the coaches could park on the site.

The Noise Consultant pointed the Panel at the Noise Management Plan. His role was to monitor and manage the event so that it complied with the conditions. He explained the technology he used to monitor the noise from the event, and confirmed that this technology would mean that he could guarantee compliance with the licence conditions and, following the event, he would be able to provide proof of this if required. However, due to the proximity of the houses nearby, he could not guarantee that the noise level reaching those properties would be 45db. He asked for understanding, pointing out the concessions that had been made. Following his own assessment, he believed a noise level of 56db could be achieved. He assured the Panel that a noise consultant would be present at the event to monitor.

In response to questions from the Panel, the Noise Consultant replied that:

- If the event grew too loud, he would disconnect the sound systems.
- The measures to control the noise would be taken immediately.
- The marquee was far away from the residents.

The Environmental Health officer agreed that the applicant had presented a comprehensive noise management plan but he still felt that 65db was too loud, and reiterated his request that the limit be set to 45db. He also felt the noise from coaches moving between the hours of 1.30am and 2.30am would be a nuisance. In response to a question from the Noise Consultant, he admitted that he had not quantified the impact of the coaches; it was his professional opinion. He had included the effect on Barford and other villages.

The Noise Consultant confirmed that noise levels at outer lying villages would be compliant, but the houses close by were the concern. He explained to the Panel why this was. The houses of concern were 250 metres from the site and that is why he calculated noise levels of 56-59 db. For the village of Barford itself, he calculated the noise level would be 43db.

Mrs Gordon explained that the land was flat and noise carried over flat land and over water (the River Avon was close by). The venue was not rolling countryside; it was registered park land, surrounded by housing on three sides, set in the middle of Sherbourne. The site was unacceptable for these sorts of events. People had a right to a peaceful life.

Mr Vaughan-Rees's comments centred on the owner of the site and were deemed not relevant to consideration of the application in hand. When questioned further by the Council's Solicitor, Mr Vaughan-Rees had nothing further to say.

A member of the Public who had not been expected at the hearing asked to speak but was refused because she had not written in.

Ms Eldridge informed the Panel that she had recently attended a meeting of the local parish council and the response had been overwhelmingly positive. When asked by one of the Panel Members how the event could benefit the local community, she responded that she did not live locally, but that the income from the event could go towards maintaining the Estate, which ran the village hall and various other buildings. No one from the local community had been engaged as a member of staff for the event.

The Chairman asked the applicant for any closing remarks. The applicant agreed to the terms required by the Police to stop people who had 'pre-loaded' from attending the event. She informed the Panel that the students would be given one pre-event drink at the college; a glass of prosecco. If people were deemed incapable of controlling themselves, they would be refused boarding onto the coach. If people brought their own alcohol, they would be refused entry. The token scheme suggested by the Police would be incorporated into the Event Management Plan; they would also integrate any mitigating measures suggested by the Police in respect of patrols and deal with all the concerns stated by the Police.

Sergeant Calver confirmed that he was happy with this.

Mrs Gordon asked the Panel to take into account the concerns raised by her, the Police and Environmental Health. She reiterated that the event did not benefit the local populace.

At 12.05 pm, the Chair asked all parties other than the Panel, the Council's Solicitor and the Committee Services Officer to leave the room, in order to enable the Panel to deliberate in private and reach its decision. He informed the attendees that the meeting would be adjourned until 2pm to allow everyone to get some lunch.

Resolved that the application for a premises licence be **granted**, subject to conditions, for the following reasons:

The Panel has considered the report from Licensing Services together with all of the appendices including the Event Management Plan and the risk assessments provided by the applicant, the further representations provided by Environmental Health and the letters of objection and of support from residents and the parish council. The Panel has also listened to the representations made by the applicant, the Police, Environmental Health, and Mrs Gordon and Mr Vaughan-Rees.

Firstly, the Panel would like to commend the applicant on the very extensive and detailed Event Management Plan provided by the applicant. The Panel has been impressed with the level of organisation in relation to the proposed event.

The main issues before this Panel today are whether the grant of a licence will impact upon the licensing objectives of crime and disorder and the prevention of public nuisance. The Panel notes that there have been no objections in relation to the protection of children from

harm or public safety. The Panel notes that the licensing objection of protection of children from harm will not be impacted upon in any event as no children will be allowed to attend the event.

The Panel also notes that the applicant has met with the Fire Service as part of a Safety Advisory Group and that the Fire Service is satisfied with the applicant's proposals. The Panel is satisfied therefore that there is no evidence that the grant of a licence will impact upon public safety.

The Panel heard from the Police who raised concerns regarded guests 'pre-loading' prior to the event, abuse of the token system and the patrolling of the perimeter fence. Firstly, the Police were concerned that guests may 'pre-load' prior to boarding the coaches. In response, the applicant has agreed to amend their operating schedule to include a requirement to ensure that guests are not visibly under the influence of alcohol prior to boarding the coaches and to refuse them from boarding the coach if they are.

The Police are also concerned about the token scheme on the basis that it was their concern that students would have access to more than their allotted number of tokens. In response, the applicant has agreed to amend their operating schedule to provide that students will be only be provided with five tokens on their wristbands and that bar staff will remove the tokens from the wristband at the point of service and will ensure that only one token per person is used at any given time.

Finally, the Police raised concerns about the patrolling of the perimeter fence and advised the Panel that they would like patrols to be logged and for the applicant to provide a vehicle to fetch guests found wandering the perimeter fence. The applicant has agreed to amend their operating schedule to include this.

As the Police's concerns have been resolved with the applicant and no other concerns have been raised or evidence presented in relation to prevention of crime and disorder, the Panel is satisfied that the grant of the application subject to the amendments agreed to the applicant's operating schedule will not impact upon the licensing objective of prevention of crime and disorder.

The Panel heard from the applicant's noise consultant, Mr Beale, and also from the Council's Environmental Health officer, Mr Shirley, in relation to the prevention of public nuisance. The Panel heard that the applicant had agreed all of the conditions requested by Environmental Health with the exception of conditions 3 and 11. The Panel heard from Mr Beale that the applicant would be unable to comply with a condition that required that music noise levels shall not exceed 45db over a 15 minute period between the

hours of 11pm and 12am. Mr Beale informed the Panel that the likely noise levels would be approximately 56db and that it would be impossible for the applicant to reduce the level of noise to 45db. The Panel heard from Mr Shirley that in his opinion noise levels above 45db would result in disruption to residents and would as such be a public nuisance.

Whilst the Panel is conscious of the difficulty that may be caused to the applicant as a result of the imposition of such a condition, the Panel does not accept that it would be impossible for the applicant to comply with same. Further, it is the role of this Panel to ensure that the grant of the licence does not impact upon the four licensing objectives and in relation to this issue, the prevention of public nuisance. In imposing a condition, the Panel must be satisfied that the condition is appropriate to promote the licensing objectives and that it is proportionate. Having weighed the difficulties that may be caused to the applicant against the potential disturbance to local residents, it is the view of this Panel that condition 3 is appropriate and proportionate and should be imposed.

The Panel also heard from Mr Shirley and Mr Beale regarding condition 11 which prevents coaches from accessing and exiting the event site via the gated entrance on Fulbrook Lane after 2100 hours. The applicant advised the Panel that it was necessary for coaches to access the site via Fulbrook Lane after 9pm as there would be a number of shuttle buses which would return to the site to collect guests and that it was not possible to accommodate all of the coaches required to transport the guests back to Oxford within the site.

Mr Shirley expressed the view that coaches accessing Fulbrook Lane after 9pm would cause a disturbance to residents and would therefore be a public nuisance. This was disputed by Mr Beale. Having heard from both Mr Beale and Mr Shirley on this point, it is the Panel's view that coaches accessing Fulbrook Lane after 9pm would cause unacceptable disturbance to residents. The Panel therefore considers that it is appropriate and proportionate to impose condition 11.

The Panel is satisfied that having heard from Mr Shirley and Mr Beale and from the interested parties that the grant of the licence subject to the conditions requested by Environmental Health will not impact upon the licensing objective of the prevention of public nuisance.

The Panel, therefore, resolves to grant the licence subject to the applicant's operating schedule and the amendments requested by the Police, and the imposition of the conditions requested by Environmental Health.

At 2.37pm all parties who had remained were invited back into the room (Mr Vaughan-Rees, Mrs Gordon, Ms Eldridge, Ms Ball and the Licensing Officer) and the Chairman invited the Council's Solicitor to read out the Panel's decision.

All parties were advised that they had the right to appeal within 21 days of the formal decision being published.

(The meeting ended at 2.45pm)