

# Licensing & Regulatory Panel

Minutes of the Licensing & Regulatory Panel held on Tuesday 15 March 2016 at the Town Hall, Royal Leamington Spa at 10.00 am.

**Present:** Councillors; Mrs Cain J.P., Gifford and Gill.

**Also Present:** Mrs Gutteridge (Council's Solicitor), Mrs Dudgeon (Licensing Enforcement Officer) and Mr Leach (Democratic Services Manager & Deputy Monitoring Officer).

## 1. **Appointment of Chair**

**Resolved** that Councillor Gifford be appointed as Chair for the hearing.

## 2. **Declarations of Interest**

There were no declarations of interest, but it was highlighted to all present that the applicant held contracts with Warwick District Council for the provision of markets and traffic management/security at events. This, however, was not a matter that Councillors needed to declare and had no impact on the matter being considered, as the contract would be an Executive function and none of the Panel were members of the Executive. That said, the Panel was made aware of this information for the sake of transparency.

## 4. **Application for a premises licence under the Licensing Act 2003 for Farm Fest Budbrooke**

The Democratic Services Manager & Deputy Monitoring Officer explained to the Panel that concerns had been raised over some of the proposed conditions agreed between the applicant and Environmental Health. This would affect the determination of the application, and further clarification was required before a decision could be taken.

Therefore, the Panel was advised that the application should be deferred until the following week, to enable this matter to be discussed and reported back to the Panel.

With the agreement of the Panel, at 10.40am the Chair adjourned the meeting until the following week.

The Chair reconvened the adjourned Panel at 2.00pm on Tuesday 22 March 2016.

The Chair welcomed all parties and introduced the Panel and the officers present.

The application was represented by Mr J Walker and Mr J Young as Directors of CJ's Events. Councillor Dutton was present to represent the objection from Budbrooke Parish Council, and Mr A Davies (representing J Dexter) and Mr Airs were also in attendance to present their objections to the application.

The Council's Solicitor outlined the procedure for the meeting.

The Panel considered a report from Health and Community Protection which outlined an application from Mr J Walker for a premises licence for an event called Farm Fest, in Budbrooke, Warwick.

The Licensing Enforcement Officer outlined the report and asked the Panel to consider all the information contained within it, including the representations received, in order to determine whether or not the licence should be approved, and if so, whether it should be subject to any conditions.

The application was for the following licensable activities:

	*Live Music, Recorded Music and Performance of Dance (All indoors and outdoors)	Sale of alcohol for consumption on the premises	Opening Hours
Friday and Saturday	11:00 to 23:00	11:00 to 23:00	10:00 to 23:00
Sunday	11:00 to 16:00	11:00 to 16:00	10:00 to 16:30

The proposed live music would be played to an audience at the festival in both amplified and unamplified forms. Amplified music would be played predominantly from a main stage area, and unamplified music from a separate area within the event confines.

Recorded music could be played during times when the live music act changeover took place. This would be for short periods of time only and would not be a predominant part of the festival.

The applicant was also considering having dance displays at some point in the future, either to accompany music or as a stand-alone act.

As detailed in the report, an operating schedule had been submitted by the applicant and would form part of any licence if the application was approved.

Representations had been received from Budbrooke Parish Council, along with three local residents. A representation had also been received from Environmental Health. However, conditions were subsequently agreed with the applicant and this representation had been withdrawn.

The Licensing Enforcement Officer explained that the conditions agreed with Environmental Health, as set out in the report, had been further revised to provide clarity. Consequently, conditions 1, 2, 3, and 8 now stated:

1. The event organiser or nominated person will employ a noise control consultant who shall carry out a sound test of the sound sources prior to any event. The sound test should be conducted from the nearest residential premises and the results of the test will be made available to the Council on demand.
2. Two contact telephone numbers for the organiser of the event or his/her employees are to be provided to the local authority's Environmental Health Service at least one week prior to any event. The aforementioned organiser or nominee shall be available for the duration of the event on the telephone numbers provided and shall use best endeavours to resolve any incident or complaint as soon as possible.

3. At least one week prior to the event a leaflet drop shall be made to households in the immediate area, such households to be agreed with the local authority's Environmental Health Service in advance. The leaflet is to include a description of each performance and contact telephone numbers in the event of any complaints.
8. The event organiser or nominated person shall agree the location and orientation of the stage and sound system with the local authority's Environmental Health Service at least six weeks prior to the event. The stage and sound system shall only be located and oriented in the agreed locations for the duration of any event.

These amendments had been discussed with and accepted by the applicants.

At the request of the Chair, the applicants outlined the application. They explained that they were local residents and that the farm site in question was home to a number of small businesses. As outlined in the application and appendix to the report, the event aimed to employ local bands until 6.00pm, followed by tribute acts of bands that had headlined Glastonbury. The applicants emphasised that they would adhere to the recommended conditions, assuring that a point of contact would be published and independent noise consultants would be used.

The applicants added that they had reached an agreement with Chiltern Railways to park 500 vehicles at Warwick Parkway during the event, with parking for 300 cars at the farm itself. Traffic management plans were also in place which would see comprehensive signage and encourage the use of local transport connections, including the Warwick Parkway Park and Ride.

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

- initially the duration of the event would be one day, but they would look to increase this to two days in the second year following a post event review;
- ideally they would be looking for 1500 people to attend, with tickets being sold online and through local shops;
- whilst they had never arranged an event like this previously, they had managed firework events, Leamington Carnival and markets; and
- the event had been developed through discussions over 12 months, including an initial contact with the Parish Council and notification to residents through the Budbrooke newsletter.

In response to questions from interested parties, the applicants explained that:

- the publication of the event via the Budbrooke Parish newsletter was in line with the requirements of the Licensing Act;
- they recognised that any event would impact on the local community, but they would work on reducing this impact, especially with regard to keeping festival traffic away from the village;
- they accepted that any large vehicles would need to come through the village, but this would be kept to a minimum;
- they recognised the risk of potential overflow parking away from main car parks and would use their own staff to reduce the chance of this; and
- unlawful parking could not be authorised by the applicant and this would be a matter for the Police to enforce.

At the request of the Chair, Mr Airs addressed the Panel. He explained that he was opposed to the event because the location was unsuitably close to domestic properties. The proposed set-up was very different to that of a church fete, and the associated parking, drugs and alcohol would always cause problems. While the event itself would finish at 23:00, it would take time for the public to leave the site, which would impact on the local community. The car parking arrangements had not been properly considered, which would cause inconvenience to the local community. In his opinion, this was the tip of the iceberg and the intention of the applicant was to develop their plans further, resulting in a greater impact on the local community. Whilst he accepted that the newsletter was a valid way of advertising the application, he advised that very few residents had either noticed the application or seen the advert.

In response to questions from the Panel, Mr Airs explained that:

- his primary concern was the public nuisance and crime and disorder which could occur after the event;
- in relation to the three day event, it was unclear where the camp site would be located;
- in his opinion, muck/rubbish would be blown around the area of the event and he queried who would be responsible for the post event clear up;
- several years ago there were events at the local pub which went on late into the evening, and at closing time there were anti-social behaviour and noise problems. These occurred away from the pub and consequently the pub had no control over them. Therefore, if there were more people in attendance at this event, these problems would be increased and there would similarly be no control over any issues occurring outside the event; and
- there was also the potential impact of noise and disturbance from setting up, testing and the post-event clear up.

At the request of the Chair, Mr and Mrs Davies addressed the Panel. They agreed with the points raised by Mr Airs; in their view, many local people did not know that the application had been made or of the possible implications. The proposed event location was a natural amphitheatre, and therefore the sound would travel a significant distance to residential properties. They were of the view that the event would be protracted to enable set-up and subsequent breakdown, and during the event there would be significant noise disturbance. They explained that because of the location of their home, they would not feel safe leaving it during the event and they would be blighted by noise, which in turn would be a breach of the Human Rights act and the right to a peaceful enjoyment of their home. They concluded by highlighting the impact on local infrastructure that the event could have, and suggested that Warwick or Leamington would be more suitable locations for it to be held.

In response to a question from the Panel, Mr and Mrs Davies showed the Panel where their property was on the site location map.

The applicants informed the Panel that the entire site would be security fenced, with double-fencing in some places. The perimeter would also be patrolled by security staff.

At the request of the Chair, Councillor Dutton outlined the objection from Budbrooke Parish Council. He explained that in the initial submission to the Parish Council, the applicant had stated that the event would last for a single day. If approved, the terms of the application would not provide control over the

expansion of the event up to three days, which was of concern to the Parish Council and the local community.

There was concern about the potential for ticket holders to park in Budbrooke village instead of at Warwick Parkway. Warwick Parkway was a long way from the venue on foot and included a walk along a busy road. Therefore, this would encourage those attending the festival to park in Budbrooke, closer to the venue, which increased the potential for public nuisance after the event.

Councillor Dutton concluded by explaining that if the event was held on a single day and not repeated then the Parish Council would have no substantive concerns, so long as it was managed appropriately. Their primary concern was that the licence was in perpetuity and the length of the event could be increased from one day to three days without residents having the opportunity to object.

In response to questions from the Panel, Councillor Dutton explained that:

- if the application had been for a single day event, the Parish Council were unlikely to have objected;
- the Parish Council were concerned about camping on site and the nuisance associated with this late at night; and
- if organised correctly and managed properly, camping at the event would be acceptable.

In summation, the applicants explained that:

- the intention behind the application was to put on a family event, not a mini Glastonbury;
- they ran a traffic management company with significant experience of managing traffic at events;
- they would leave the site as they found it;
- set-up would be on the morning of the event;
- no access to the event would be possible via neighbouring fields;
- all members of the public would be searched on entry to the site;
- there would be a free park and ride service from Warwick Parkway, with possible expansion to St Mary's Lands (areas 1 and 2); and
- in the first year the event would be held on a single day, but if it was successful it would be expanded over more than one day in future years. At this point, camping would be introduced in a secure area. The camping area would be arranged in line with fire safety advice provided by the fire service.

The applicants concluded by confirming that the application was for a three day event, but in the first year it would only be held on a single day, with expansion to two or three days if the event was successful.

The Council's Solicitor advised that it was not possible to include a condition on the licence permitting a one day event this year, with expansion to two or three days the following year if Environmental Health were happy with noise mitigation arrangements. This would be a potentially unlawful condition because it would not be sufficiently clear to the public what the licence was for each year. It was for this reason that due process was established in the Licensing Act, enabling variations and reviews of a licence as appropriate. This point was accepted by the applicant's representatives.

The Council's Solicitor reminded all parties present about the right for the review of a licence and that the purpose behind this was to enable any issues with licences to be considered and acted upon.

At 3.25pm, the Chair asked all parties other than the Panel, the Council's Solicitor and the Democratic Services Manager & Deputy Monitoring Officer to leave the room, in order to enable the Panel to deliberate in private and reach its decision.

**Resolved that**

- (1) the application be granted for a single day each calendar year, for the activities as applied for, subject to the following conditions:
  - i. the event organiser or nominated person will employ a noise control consultant who shall carry out a sound test of the sound sources prior to any event. The sound test should be conducted from the nearest residential premises and the results of the test will be made available to the Council on demand;
  - ii. two contact telephone numbers for the organiser of the event or his/her employees are to be provided to the local authority's Environmental Health Service at least one week prior to any event. The aforementioned organiser or nominee shall be available for the duration of the event on the telephone numbers provided and shall use best endeavours to resolve any incident or complaint as soon as possible;
  - iii. at least one week prior to the event a leaflet drop shall be made to households in the immediate area, such households to be agreed with the local authority's Environmental Health Service in advance. The leaflet is to include a description of each performance and contact telephone numbers in the event of any complaints;
  - iv. the event organiser shall conform with the Noise Council's (1995) Code of Practice on Environmental Noise Control at Concerts at all times unless explicitly agreed in writing with the local authority's Environmental Health Service;
  - v. between the hours of 09:00 and 23:00, music noise levels shall not exceed 65dB(A)  $L_{Aeq}$  over a 15 minute period when measured at (or calculated  $t_0$ ) one metre from the façade of any noise sensitive premises;

- vi. the event organiser or nominated person shall carry out regular checks at the nearest noise sensitive locations throughout the event to monitor the noise and ensure that the specified music noise levels are not exceeded;
  - vii. the appointed noise control consultant shall continually monitor noise levels at the sound mixer position and advise the sound engineer accordingly to ensure that the noise limits are not exceeded. The local authority shall have access to the results of the noise monitoring at any time;
  - viii. the event organiser or nominated person shall agree the location and orientation of the stage and sound system with the local authority's Environmental Health Service at least six weeks prior to the event. The stage and sound system shall only be located and oriented in the agreed locations for the duration of any event;
  - ix. no more than one event shall be held per calendar year and no event shall last more than one day;
  - x. a challenge 25 policy will be used;
  - xi. all drinks to be sold in plastic bottles, polycarbonates glassware, collapsible cups or drinks;
  - xii. the licence holder shall hold an incident handling book for recording all incidents that occur;
  - xiii. a dispersal policy must be agreed in writing by the relevant responsible authority, prior to the event taking place;
  - xiv. recorded music will not form a predominant part of the festival and may only be played during times when the live music acts changeover; and
- (2) the Panel reminds the applicant of their comprehensive operating schedule and expects the applicant to abide by it.

At 3.54pm, the applicant, the interested parties and the Licensing Enforcement Officer were asked to re-enter the room. The Chair invited the Council's Solicitor to read out the Panel's decision.

The Council's Solicitor advised that any party had the right to appeal to the magistrate's court within 21 days of the formal decision being published.

(The meeting ended at 3.59pm)