



Agenda Item 3

Licensing and Regulatory Panel
24 November 2020

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

Lead Officer: Emma Dudgeon

Portfolio Holder: Judy Falp

Public report

Wards of the District directly affected: Warwick Saltisford

Contrary to the policy framework: No

Contrary to the budgetary framework: No

Key Decision: No

Included within the Forward Plan: No

Equality Impact Assessment Undertaken: No

Consultation & Community Engagement: No

Final Decision: Yes

Accessibility checked: Yes

Officer/Councillor Approval

Officer Approval	Date	Name
Head of Service	6.11.2020	Marianne Rolfe
Democratic Services manager & Deputy Monitoring Officer	6.11.2020	Graham Leach

1. Summary

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

2. Options available to the Panel

- 2.1 Members are asked to consider the information contained in this report and 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 following options are available to members:

Option 1 – Grant the application as requested;

Option 2 – Grant the application with amended hours and/or added conditions, or;

Option 3 – Refuse the application.

3. Details for Consideration

- 3.1 When considering the application the panel must 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)
 - d) The Licensing Objectives, which are:-
 - 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 must only consider those licensing objectives which have been referred to in the representations received.

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

- 3.3 Details of the procedure adopted by the Licensing Committee for Panel Hearings have been supplied to the applicant and those making representations. The procedure will be explained more fully by one of the Council's Legal Team at the commencement of the hearing.
- 3.4 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 is for the event known as the Folk Festival which in previous years has taken place at another location within Warwick. The entrance to the event site will be through the Warwick Castle Car Park entrance on Stratford Road.
- 3.5 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 are detailed below:

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 is taking place to an audience of less than 500 people and the premises is licensed for the sale of alcohol for consumption on the premises; or when unamplified live music is taking place to any number people on any premises, all licensing conditions applicable to the control of live music on this licence are 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 is taking place to an audience of less than 500 people and the premises is licensed for the sale of alcohol for consumption on the premises, all licensing conditions applicable to the control of recorded music on this licence are deemed not to be in operation.

Plays (Indoors)

Thursday from 13:00 to 23:00

Friday to Sunday 10:00 to 23:30

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Between the hours of 08:00 and 23:00, when plays are taking place to an audience of less than 500 people all licensing conditions applicable to the control of plays on this licence are 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 has been submitted by the applicant and will form part of any licence issued is attached as appendix 1.

The applicant has agreed conditions with Environmental Health, Warwickshire County Council Safeguarding and Trading Standards which are attached as appendix 2. Their objections were subsequently withdrawn.

3.6 No representations have been received from:

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

3.7 The Licensing Department have received one objection to the application from a local resident, attached as appendix 3 and representations in support of the application from Warwick Town Council and Warwick Chamber of Trade attached as appendices 4 and 5. Under the Licensing Act 2003 if representations are received in relation to an application a hearing must be held to consider the representations.

3.8 A satellite image of the site is attached as appendix 6. A map of the event site provided by the applicant is attached as appendix 7.

4. Policy Framework

4.1. Fit for the Future (FFF)

4.1.1. The Council's FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit. To that end amongst other things the FFF Strategy contains several Key projects.

4.1.2. The FFF Strategy has 3 strands, People, Services and Money, and each has an external and internal element to it, the details of which can be found [on the Council's website](#). The table below illustrates the impact of this proposal if any in relation to the Council's FFF Strategy.

4.2. FFF Strands

4.2.1 External impacts of proposal(s)

People - Health, Homes, Communities - The licensing policy recognises that residents within, and visitors to the District, need a safe and healthy environment to live, work and visit; and that safe and well run entertainment premises are important to the local economy and vibrancy of the District.

Services - Green, Clean, Safe – None.

Money- Infrastructure, Enterprise, Employment - The licensing policy relates to current legislation, and, where possible, to local factors, allowing flexibility and the potential to expand and augment the local economy and promote cultural issues.

4.2.2. Internal impacts of the proposal(s)

People - Effective Staff – None.

Services - Maintain or Improve Services - None.

Money - Firm Financial Footing over the Longer Term - None.