

Licensing & Regulatory Panel

Minutes of the Licensing & Regulatory Panel held at the Town Hall, Royal Leamington Spa, on Tuesday 30 May 2023, at 10.15am.

Present: Councillors C Gifford, Kohler and Luckhurst.

Also Present: Alaa Cronin (Council's Solicitor), Jack Henson (Licensing Enforcement Officer), Emma Morgan (Licensing Enforcement Officer – observing) and Rob Edwards (Principal Committee Services Officer).

1. Apologies and Substitutes

There were no apologies for absence received.

2. Appointment of Chairman

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

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 for at St Nicholas Park, Banbury Road, Warwick. Representations had been received in relation to this application for the consideration of the panel in the determination of the application.

Live Tour Promotions Ltd applied for a new premises licence for St Nicholas Park, Banbury Road, Warwick on 30 March 2023. The organiser was seeking to use this licence for licensable activities for one weekend per calendar year.

The application was for the sale of alcohol on the premises, live music, recorded music and the provision of facilities for dance. A copy of the relevant part of the application form was attached as Appendix 1 to the report.

The Licensing Department had received an objection from Environmental Health which was attached as Appendix 2 to the report.

The applicant had agreed the following condition with Trading Standards which would need to form part of any licence issued:

- A prompt or reminder to staff, at the point of sale, to consider whether a sale or challenge ought to be made (for example an EPOS - Electronic Point of Sale - system till prompt or if not then written notices/stickers at the till point showing age limits).

The Licensing Department had also received an objection from one resident. This was attached as Appendix 3 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.
- Warwickshire Police.

A plan showing the location of the premises was attached as Appendix 4 to the report. A plan supplied by the applicant was attached as Appendix 5.

An addendum circulated prior to the meeting advised that Environmental Health and the applicant had agreed to the following condition changes to Environmental Health's objection:

"5. In order to prevent public nuisance, the Licensee shall ensure that: that a Noise Management Plan is submitted to the Local authority no less than 3 months before the events so that noise control measures can be agreed, and an appropriate music noise level can be determined.

6. Make the documented results available to the Local Authority representatives on demand and present the same to the Authority in writing no later than 28 days after the end of the Event as part of a Noise Compliance Report".

The meeting began at 10:15pm to allow the objector, Sarah Giles, the opportunity to arrive in the meeting, however she did not attend. The Chairman asked Members of the Panel to introduce themselves.

- Mr Barker, the applicant; and
- Stacey Walsham - Environmental Protection Technical Officer.

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

An addendum circulated prior to the meeting advised that the following amendments to conditions 5 and 6 had been agreed with the applicant.

5. In order to prevent public nuisance, the Licensee shall ensure that: that a Noise Management Plan is submitted to the Local authority no less than 3 months before the events so that noise control measures can be agreed, and an appropriate music noise level can be determined.

6. Make the documented results available to the Local Authority representatives on demand and present the same to the Authority in writing no later than 28 days after the end of the Event as part of a Noise Compliance Report.

In his opening statement, Mr Barker advised that:

- The application was for a Premises Licence for 15 and 16 September 2023 and one weekend per calendar year on an ongoing basis.

- Live Tour Promotions Ltd began its current form in 2018, and since then had operated over 200 events nationally, including music, food and drink and theatre events.
- He was the proposed Designated Premises Supervisor (DPS), had been a Personal Licence Holder since 2006 and had worked in hospitality since 2004.
- Since 2016, he had acted as DPS for many large events and acts as the Event Director, managing all live situations on event day and overseeing planning and delivery of operations.
- He was experienced in licence matters and had worked with authorities and regulatory bodies.
- Ibiza Orchestra Experience and Sausage and Cider Festival had been operating successfully nationally since 2021 at 23 various locations nationally. The management team headed by him had run all these events and the same team would be heading the events planned for this year.
- The weekend was for two events, with no camping or overnight customers.
- The Ibiza Orchestra Experience, a 26-piece orchestra, would be playing with some supporting artists, and there would also be food units, bars and ancillary traders. The average customer age was 33, and it was an over-18 event and the proposal was to run the event between 6pm and 11pm.
- There was also a Sausage and Cider Festival – several cider houses would be attending, with live music from tribute bands, bars, and food traders. Average age in the past was 36 with 55% male attendance. However, this year it would be run as a family-friendly event for all ages, allowing under-18s to attend when accompanied by over-18s. They had introduced a specific “welfare area” staffed by enhanced DBS checked members of staff and members of the Management team had undertaken Child Safeguarding training. Entertainment would also be provided for younger customers.
- As it was a national event they would be working with the same suppliers and contractors across the tour.
- During the consultation period he had agreed conditions with Trading Standards.
- Prior to the Panel, he had agreed conditions with Environmental Health with regard to noise and noise management.
- He would be employing a Noise Management Consultant company, F1 Acoustics, who had previous experience working in the proposed location. They would work on the Noise Management Plan with the Applicant and provide noise monitoring during the event.
- Other mitigations and procedures would be put in place to prevent noise nuisance, including working with the same mixing engineer and production company throughout the event, allowing them to control music output at source and ensure it complied.
- There would be a pre-event letter drop to residents with information about the event with an email address for pre-event concerns and a direct telephone number for someone on site during the event, and signs around the site.
- A Traffic Management Company would be employed and a Traffic Management Plan would be circulated prior to the event indicating proposed drop-off and pick-up points for attendees, as well as a pre-event-communication plan, which currently stated that there would be no parking on site. They would be undertaking further investigations to see whether off-site parking arrangements could be made.
- Other measures in respect of public safety included a CQC qualified medical service including first-responder, trained nurses, and paramedics. There would also be fire wardens on site.
- Ingress and Egress Plans would include surrounding areas as well as the proposed location and would include the deployment of staff to pick-up and

drop-off points and prevent noise and anti-social behaviour as attendees were vacating or attending the area.

- The business success depended on safe, well-run events with low impact on the community and being good neighbours, they would take all reasonable steps to ensure the event was run in such a manner.

In response to questions from panel the applicant explained that:

- In terms of mechanisms to keep noise down, there were a number of things that could be done. Before the event, a Noise Management Plan would be created which would be discussed with Environmental Health, and they would agree expected upper limits as per the agreed conditions. They would be able to create a model in advance to set the limit at noise-sensitive locations, then before the event starts, they would undertake physical testing at the sensitive locations. They would also be able to monitor noise levels at certain locations during the event and either make adjustments to hold noise levels or use filters if there was a problem. This Plan would also be agreed with Environmental Health.
- They had run 24 events in the last two years and 85%-95% were Town Centre parks. This was the second licensing hearing they had had to attend for one of those events; the previous one related to a commercial property that had horses and there were worries about noise, and that licence was granted. Usually through proactive communication they were able to set good conditions that they were able to meet. Some would be 65 decibels because the residences were slightly further away, some would be 75 decibels because the residences were closer, and it was not achievable to reach 65 decibels. It would be false to say that they did not get complaints, but they had never breached a licensing condition following any complaints. All the information was available from noise readings, and they had never breached a noise limit. They had had some pretty strict ones in more sensitive locations and did not go over the limit. There were a number of mitigations they could implement depending on the location.
- They were expecting 3,000 people on the Friday and 4,000 people on the Saturday. The Friday was a shorter concert – everyone would be there at the same time. On the Saturday, with it being a family event, it would last longer and there would be more coming and going.

The Environmental Health Officer confirmed that her team had spoken with the applicant and because the conditions had all been agreed, they were just waiting to go through the Noise Management Plan when that came through.

In further responses to questions from Members, the applicant, Mr Barker advised that:

- They usually did not offer parking at these events. Given this location it would not be feasible to offer parking at St Nicholas Park. They usually sent out communication to attendees asking that they walk or use public transport. However, given the concerns raised by the residents on this occasion they would take some steps to see what could be done with regard to specific off-site parking. The geography was slightly challenging immediately but they would take some steps to see what could be done.
- For the provision of taxis, he intended to contact local companies to inform them of the event and pick-up and drop-off points, and this would then be stewarded by their security company and traffic management company to make sure it was safe.

- The general location had been chosen in consultation with the Council's Events team, and it was the rough location of previous events and seemed to cause the least impact on the local community.
- The vast majority of people attending would be from the local area because their marketing was usually done online and within the radius of the Town.

The Chairman asked Environmental Health to make their submission to the Panel. The Environmental Health Officer confirmed that Environmental Health had recently agreed conditions with the applicant and as such, formally withdrew its objection.

In his closing statement, Mr Barker stated that:

- There was only one standing representation from one interested party.
- There would be extensive operating conditions to satisfy all four licensing objectives.
- With noise mitigation and working time limits as agreed with the Environmental Protection Team, there would be little to no public nuisance.
- They had a long history of operating events nationwide and had historical data to show there had been no increase in anti-social behaviour and/or crime as a result of the event.
- The event would be safe for the public and people working nearby.

At 10:45am the Chairman asked all parties other than the Panel, the Council's Legal Advisor, and the Committee Services Officer 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 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 no representations have been received in respect of this application from the following Responsible Authorities:

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

The Panel also noted that relevant representations made by Environmental Health have been withdrawn following agreement of conditions with the Applicant.

The Panel noted that the representation made by a local resident raised concerns about noise nuisance, increased traffic and need for additional parking, as well as anti-social behaviour and crime. However, they consider that the conditions in the operating schedule as well as those agreed between the Applicant and Environmental Health, and assurances from the Applicant that they will carry out further investigations into the availability of off-site parking for attendees, will adequately address the concerns.

The Panel therefore determined to grant the premises licence subject to such conditions as are consistent with the operating schedule accompanying the application (as amended by the conditions agreed between the Applicant and Trading Standards and Environmental Health) 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.

(The meeting ended at 11.15am)

CHAIRMAN
16 October 2023