

Statutory Licensing Sub-Committee

Minutes - 19 July 2022

Attendance

Members of the Statutory Licensing Sub-Committee

Councillor Phil Page (Chair)

Councillor Rashpal Kaur

Councillor Zee Russell

Premises Licence Applicant

Rob Edge

Andy Whyles

Kristian Jones

Liam Hardy

Agent for the Applicant

Events Management Team

Applicant

Applicant

Responsible Authorities

Faye Pearson

Environmental Health

Other Persons

David Wilcox

Officers

Debra Craner

David Abel

Jacob Stokes

Section Leader Licensing

Senior Solicitor

Democratic Services Assistant

Item No. Title

1 Apologies for absence

Apologies for absence were submitted by Richard Walpole, Event Management Team.

2 Declarations of interest

There were no declarations of interest.

3 Licensing Act 2003 - Application for a new Premises Licence in respect of Bantock Park, Finchfield Road, Wolverhampton, WV3 9LQ

An application for a time limited Premises Licence in respect of Bantock Park, Finchfield Road, Wolverhampton, WV3 9LQ was considered following representations received from Environmental Health and Other Persons.

The Chair welcomed all parties to the hearing and invited all those present to introduce themselves. All parties did so. He outlined the procedure to be followed and all parties confirmed that they understood the procedure.

Debra Craner, Section Leader – Licensing, provided an outline of the application. She noted that additional information had been submitted by the Applicant's Agent following the adjournment of the Sub-Committee on 7 July 2022 and that this could be found at Appendix 8.

Mr Rob Edge, Agent representing the Applicant, confirmed that the summary was accurate.

The Chair invited the Applicant to present the application. Mr Edge, Agent representing the Applicant, did so as per Appendix 1 of the report. He stated the following:

1. The application was in respect of a one-day outdoor event to take place on 3 September 2022 between 12.00pm and 22.00pm, with a maximum capacity of 3,500 within an open space at Bantock Park.
2. Full regard had been given to the representations made against the Applicant, but that mediation with Other Persons had failed.
3. Mediation with Environmental Health had been successful and amended conditions had been added to the operating schedule of the Premises Licence, signed by all parties and sent to the Licensing Team and members of the Sub-Committee.
4. The management team had liaised with Responsible Authorities, Licensing and members of the Safety Advisory Group.
5. The event would benefit the local economy by bringing jobs and investment into the area.
6. The management team was experienced within the hospitality industry, and all aspects of the festival would be carefully planned and managed.
7. The Applicant had invested time, money and passion into the event to make it a success for the city without compromising on the Licensing Objectives.

8. There was no substantial evidence in the representations submitted that the Licensing Objectives would not be upheld.

The Chair afforded all parties present the opportunity to question Mr Edge and his clients in relation to the submission. There were no questions asked.

The Chair invited Environmental Health to make representations. Faye Pearson, Senior Officer – Food and Health and Safety, did so.

She stated that Environmental Health had successfully mediated with the Applicant and that new conditions to be added to the Premises Licence had been agreed and signed. She advised that these conditions were outlined in Appendix 7, and that Environmental Health no longer had concerns regarding the application, provided these conditions were met.

The Chair afforded all parties present the opportunity to question Environmental Health in relation to their submission. There were no questions asked.

The Chair invited Other Persons to make representations. Mr David Cooper did so, as per Appendices 4-6 of the report. He advised the Sub-Committee that he was representing his wife and mother-in-law, who had also submitted representations.

He stated the following:

1. That Bantock Park was not a suitable venue for the festival due to its location in a residential area.
2. That he was already experiencing problems with anti-social behaviour and littering, and the festival would only exacerbate problems.
3. That elderly residents, including his mother-in-law, needed peace and quiet.
4. That the festival would infringe on his privacy.

The Chair afforded all parties present the opportunity to question Mr Cooper in relation to his submission. Mr Cooper responded to questions asked.

The Chair invited all parties present to make their final address.

Mr Cooper, the Applicant's Agent and Environmental Health made a final statement. Andy Whyles, Event Management Team, echoed the points raised by the Applicant's Agent.

David Abel, Senior Solicitor, outlined the options available to the Sub-Committee. He advised that parking issues could not be considered by the Sub-Committee as parking was not regulated by the Licensing Act.

Councillor Page, Councillor Russell, Councillor Kaur, the Senior Solicitor and Democratic Services Assistant withdrew from the meeting to enable the Sub-Committee to determine the matter.

The Sub-Committee adjourned at 10.28 hours.

The Hearing reconvened at 10.49 hours.

Councillor Page, Councillor Russell, Councillor Kaur, the Senior Solicitor and Democratic Services Assistant re-joined the meeting.

The Chair advised all parties of the decision of the Sub-Committee, which was read out by the Senior Solicitor.

Resolved:

The Licensing Sub-Committee (LSC) have taken note of all written concerns raised in respect of the Application for a Time Limited Premises Licence for Bantock Park, Finchfield Road, Wolverhampton, WV3 9LQ.

They have listened to the arguments of those who have spoken at the hearing, both for and against the Application.

The Sub-Committee have had regard to both the written and oral evidence that has been presented and attached appropriate weight and have found the following facts:

The Sub-Committee have heard from the applicant New Vision Events Ltd and its representative, Rob Edge, that:

1. This Application is in respect of live music, recorded music, performance of dance, anything of a similar description and the supply of alcohol for consumption on the premises.
2. The Application is in respect of a one-day outdoor event (festival) to take place on 3 September 2022 between 12.00pm and 22.00 pm to hold a capacity of 3,500 including staff within an open space at Bantock Park.
3. The Festival will take place in a secured fenced off area.
4. The Applicant has mediated with Environmental Health and has agreed conditions which satisfy their concerns regarding the Prevention of Public Nuisance.

The Sub-Committee have considered written representations from the Environmental Health Authority as responsible authority and heard that they have mediated with the Applicant and agreed with his proposed conditions to be added to the Premises Licence, which satisfy their concerns regarding the Prevention of Public Nuisance, subject to the approval of the Licensing Sub-Committee. The proposed conditions are:

1. In accordance with the Code of Practice on Environmental Noise Control, noise from the event must not exceed 65dB LAeq (15 mins) monitored at the facade of any noise sensitive premises (the location of which is to be agreed with the Local Authority prior to the event).
2. While live or recorded music takes place (including sound checks), the management shall undertake regular noise monitoring at the nearest sensitive receptor, frequency to be agreed by an officer of the Council at least 28 days prior to the event.
3. A record shall be kept of any monitoring, including the date, time, and location of monitoring; the name of the monitor; and any action taken.
4. Records shall be made available upon request by a police officer or an authorised officer of the Council.

5. A hotline phone number will be provided so that local residents will be able to contact the event organisers on event days for information or with concerns about public nuisance. The hotline phone number will be circulated to residents in advance of the event. A "letter drop" will be sent out to residents 14 days prior to the event to alert them as to the event details. A copy of the letter is to be forwarded to the Council prior to the event.
6. The aforesaid conditions need to be addressed by a competent acoustician, the credentials of whom shall be agreed by the Council in advance and no later than 28 days prior to the event.

Mr Cooper attended the hearing to raise objections to the event on behalf of his wife, mother-in-law and himself. He stated that:

1. They have made relevant representations in furtherance of the four Licensing Objectives
2. They object to having a one-day Festival at Bantock Park close to where they live as they already experience nuisance, and this could bring additional noise, rubbish and anti-social behaviour.
3. That elderly residents, especially those that are ill such as his mother-in-law, will be disturbed by the noise from music at the Festival.
4. They do not consider the Park to be a suitable venue in which to hold a festival.

The Sub-Committee may take such steps as it considers appropriate for the promotion of the Licensing Objectives.

The options open to the Sub-Committee today are:

- To grant the Licence subject to conditions.
- To exclude from the scope of the Licence any of the licensable activities to which the application relates.
- To refuse to specify a person as the Premises Supervisor.
- To reject the Application.

The LSC have considered the evidence presented and had regard to the Application, representations made, guidance issued under section 182 of the Licensing Act 2003 and the Council's own licensing policy. The Sub-Committee have on the balance of probabilities, found that in order to promote the Licensing Objectives the Application for a Premises Licence should be granted, as applied for, subject to the terms and conditions outlined in accordance with section 18 of the Licensing Act 2003.

Having considered the representations and objections, the LSC are satisfied that there is no evidential link between the premises for which this application is made and any nuisance or anti-social behaviour in the area that it is situated and that the Festival will be a professional, well run event fully addressing all concerns.

The Sub-Committee are satisfied with the agreed modifications to the Application, and that they would not undermine the Licensing Objectives. Finally, such conditions as are specified on/or consistent with the operating schedule will be attached to the Licence, together with any mandatory conditions required by the Act.

The decision in writing will be sent to all parties forthwith.

All parties have a right of appeal to the Magistrates Court within 21 days of receipt of this decision in writing.