

# Statutory Licensing Sub-Committee

Minutes - 20 January 2023

## Attendance

### Members of the Statutory Licensing Sub-Committee

Councillor Phil Page (Chair)

Councillor Rashpal Kaur

Councillor Gillian Wildman

### Premises Licence Applicant

Rob Edge

Liam Hardy

Kristian Jones

Andy Whyles

Agent for the Applicant

New Vision Events Limited

New Vision Events Limited

Events Management Team

### Responsible Authorities

Amitabh Singh

Faye Pearson

Emma Waites

Licensing Authority

Environmental Health

Environmental Health

### Other Persons

Graham Bennett

John Palmer

### Employees

Debra Craner

Angela Bernard

Jacob Stokes

Section Leader – Licensing and Compliance

Senior Solicitor

Democratic Services Officer

### Observers

Emma Caddick

Donna Cope

Liam Downing

Service Manager – Environmental Health

Democratic Services Officer

Licensing Compliance Apprentice

*Item No.*     *Title*

**1        Apologies for absence**

There were no apologies for absence.

**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 Environment Health, the Licensing Authority 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.

The Sub-Committee's statutory duty was to consider the application and any representations, and to take such steps as contained in the Licensing Act 2003 as it considered appropriate for the promotion of the Licensing Objectives.

Debra Craner, Section Leader - Licensing and Compliance, provided an outline of the application. Mr Rob Edge, Agent representing the Applicant, New Vision Events Ltd, confirmed that the summary was accurate.

The Chair invited the Applicant to present the application. Mr Edge did so, as per Appendices 1, 16 and 17 of the report. He stated the following:

1. This would be the second edition of the event held in Wolverhampton.
2. Despite some noise complaints, the event held in September 2022 had been a resounding success and had been a benefit to the city and its night-time economy.
3. Lessons had been learned from the previous event and changes had been made to the planning of this event. These would include additional resident meetings, a wider letter drop and a revised stage layout. All documents regarding planning would be brought to the Council's Safety Advisory Group.
4. The event would be a one-day event rather than the two day event that had previously been proposed.
5. The Applicants had successfully mediated with the two Responsible Authorities - Environmental Health and the Licensing Authority.
6. This was a good Application with a robust operating schedule and a seasoned management team supporting it.
7. The event would be run in a professional manner without compromising the Licensing Objectives.

The Chair afforded all parties present the opportunity to question Mr Edge and his client in relation to their submission. Mr Edge responded to questions asked.

The Chair invited Environmental Health to make representations. Faye Pearson, Senior Officer - Food and Health and Safety, did so as per Appendix 14 of the report. She advised that Environmental Health had mediated with the Applicant and agreed proposed conditions to the Premises Licence.

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

The Chair invited the Licensing Authority to make representations. Amitabh Singh, Section Leader - Licensing, did so as per Appendix 15 of the report. He confirmed that the Licensing Authority had mediated with the Applicant and agreed that a condition concerning staff training would be added to the operating schedule.

The Chair afforded all parties present the opportunity to question the Licensing Authority in relation to its submission. The Section Leader - Licensing confirmed that the Premises Licence would be Time Limited to cover a one-day event.

The Chair invited Other Persons to make representations. Mr Graham Bennett did so. He stated that the event would cause parking issues and difficulties as it had last year. He questioned whether Bantock Park would be the right venue for an event of this nature.

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

The Chair invited Mr John Palmer to make representations. He expressed concern that the parking arrangements for such an event were not practical. He noted that the previous year's event had caused road closures and prevented people from using bus routes to go shopping. He told the Sub-Committee that the previous event had also been extremely loud and had severely disrupted residents in their own homes.

He questioned the event venue and stated that Weston Park would be a more suitable venue.

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

In response to concerns raised about parking during the previous year's event, Mr Edge stated that best efforts had been made to alleviate parking issues. He stated that a traffic management team had been hired and a dedicated taxi drop-off point had been offered for the event. He noted that parking issues had also been discussed at the Safety Advisory Group.

The Chair invited all parties present to make their final address. The Section Leader - Licensing, Senior Officer - Food and Health and Safety and Mr Edge made final statements.

Angela Bernard, Senior Solicitor, provided legal guidance to the Sub-Committee and reminded them of their available options. She advised members that parking issues

were not part of the Sub-Committee's remit and therefore should not be considered when making a decision.

Rob Edge, Kristian Jones, Liam Hardy, Andy Whyles, John Palmer, Graham Bennett, Debra Craner, Liam Downing, Emma Caddick, Faye Pearson, Emma Waites and Amitabh Singh withdrew from the meeting to enable the Sub-Committee to determine the matter.

The Sub-Committee adjourned at 11.13 hours.

The Hearing reconvened at 12.35 hours.

Rob Edge, Kristian Jones, Liam Hardy, Andy Whyles, John Palmer, Graham Bennett, Debra Craner, Liam Downing, Emma Caddick, Faye Pearson, Emma Waites and Amitabh Singh 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.

All Responsible Authorities have been notified.

West Midlands Police as Responsible Authorities have submitted no written objections. The Licensing Authority do not object to this Application subject to an agreed amendment to the operating schedule of: - 'staff training to include safeguarding' under the Prevention of Crime and Disorder Licensing Objective.

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:

A detailed operating schedule was submitted by the Applicant.

1. This Application is in respect 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 was originally in respect of a two-day outdoor event (Festival) to take place on 16 and 17 June 2023 between 12.00pm and 22.00pm. This has now been amended to 17 June 2023 between 12.00pm and 22.00pm only, to hold a capacity of 4,500 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.
5. The Applicant outlined additional measures being taken as set out in Appendix 17 of the Application.

The Sub-Committee have considered written representations from Environmental Health as a Responsible Authority and heard and read that on 6 January 2023, a mediation meeting was held with the Applicant to discuss proposed amended licence conditions. They have mediated with the Applicant and agreed 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 Licensing Sub-Committee are asked to include the agreed proposed conditions:

**Pre-Event Conditions:**

To ensure residential amenity is suitably safeguarded the following information must be provided no later than 3 March 2023:

1. A scaled plan-layout depicting the siting and orientation of P.A. and/or other loudspeaker systems, along with electrical power generators and air compressors where used. To be agreed by the Local Authority.
2. The appointed acoustic control consultant shall carry out a survey to determine the background noise levels (as defined by the Code of Practice on Environmental Noise Control at Concerts) at locations around the venue representative of the noise sensitive premises likely to experience the largest increase in noise/highest noise level as a result of the concert.
3. Predicted sound levels associated with all operational loudspeaker systems (expressed as LAeq 15 minutes) at residential premises located adjacent to the park 1 metre from the façade closest to the park and the most noise sensitive receptor positions.
4. Acoustic specifications of P.A. and other loudspeakers where utilised, including frequency-specific sound radiation characteristics.
5. Acoustic specifications of electrical power generators and air compressors.
6. Acoustic mitigation and control measures to ensure that a Music Noise Level, 65 dB (LAeq 15 minutes) is not exceeded over the course of the event.
7. A scheme detailing how sound levels from the proposed event will be monitored over its duration.
8. Resident letter drop to be sent out 4 months, 2 months, and 14 days prior to event to alert them to the event details. The letter drop area to be decided in consultation with the Local Authority (no later than 3 March 2023).
9. A hotline phone number to be set up 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 as part of the letter drops.
10. The above matters need to be addressed by a competent acoustician, the credentials of whom shall be agreed by Environmental Health prior to 3 March 2023.

**During Event Conditions:**

11. A noise propagation test shall be undertaken at least 6 hours prior to the start of the event in order to set appropriate control limits at the sound mixer position. The sound system shall be configured and operated in a similar manner as intended for the event. The sound source used for the test shall be similar in character to the music likely to be produced during the event.
12. The Licensee shall ensure that the promoter, sound system supplier and all individual sound engineers are informed of the sound control limits and that any instructions from the noise control consultant regarding noise levels shall be implemented.
13. 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 Licensing Authority shall have access to the results of the noise monitoring at any time.
14. Rehearsals and sound checks are permitted only between the following hours: 12:00 hrs to 22:00 hrs. Prior notification to be given to Environmental Health in regard to when these checks will be undertaken (at least 24 hours' notice).
15. Music from the event is permitted only between the following hours: 12:00 hrs to 22:00 hrs on 17 June 2023.
16. 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.
17. Records shall be made available upon request by a police officer or an authorised officer of the Council.

Following Event Condition:

18. A post Event Noise Monitoring Report should be provided summarising noise levels throughout the event, any complaints received and how they were managed. To be provided to Environmental Health within 14 days of the event.

Mr Graham Bennett attended the hearing to raise objections to the event. He stated that he felt parking or (illegal) parking of vehicles in the streets and roads around the vicinity of the Park during this event would cause disturbance and nuisance to the residents. He objects to having a one-day Festival at Bantock Park close to where he lives due to the previous experience of cars being abandoned and causing a nuisance.

Mr John Palmer attended the hearing and stated that his objections are to the disturbance caused by the noise from the music at the Festival. He stated that the previous Festival was so loud, the house shook, and the dog was disturbed and that Bantock Park was not the place for this event. He had been told that they would be having an event at Weston Park in Shropshire which would be a more suitable venue to hold this Festival.

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

- (a) The Prevention of Crime and Disorder
- (b) Public Safety
- (c) The Prevention of Public Nuisance
- (d) The Protection of Children from Harm

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, with the agreed proposed conditions, 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 with the agreed modifications to the Application, and conditions imposed there would be no evidential link between the premises for which this Application is made that would cause nuisance or anti-social behaviour in the area or undermine the Licensing Objectives and the Festival will be a professional, well-run event addressing all concerns.

These conditions as are specified above, consistent with the amendments to 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.