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Oversight and Governance

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LICENSING SUB COMMITTEE – SUPPLEMENT PACK

Monday 6 November 2023
10.00 am
Council House

Members:

Councillors Patel, Rennie and Tippetts.

Fourth Member:

Councillor Moore.

Members are invited to attend the above meeting to consider the items of business overleaf.

Please note that, due to the nature of this Committee, we may need to send 'to follow' documents which were not expected at the time of the agenda publication. These documents may be considered under part I or part II.

Please find below additional information in relation to items 5 and 7.

Tracey Lee
Chief Executive

LICENSING SUB COMMITTEE

- 5. VARIATION OF PREMISES LICENCE NOTICE REPORT: (Pages 1 - 14)**
- 7. PERSONAL LICENCE GRANT REPORT: (Pages 15 - 16)**

VARIATION OF PREMISES LICENCE – Economic Development Representation

Licensing Sub Committee

Date of meeting: 06 November 2023
Title and date of Report: VARIATION OF PREMISES LICENCE –
Economic Development Representation, 27 October 2023
Lead Member: Councillor Jemima Laing (Deputy Leader, and Cabinet Member for
Children’s Social Care, Culture, Events and Communications)
Lead Strategic Director: Anthony Payne (Strategic Director for Place)
Author: Victoria Allen
Contact Email: Victoria.allenn@plymouth.gov.uk
Your Reference: Central Park New Year’s Eve

Purpose of Report

An application has been made by the Plymouth City Council, Economic Development Service, in respect of Central Park. Outland Road, Plymouth. PL2 3PU for the Variation of a premises licence under Section 34 of the Licensing Act 2003.

The variation application is to permit the sale of alcohol and regulated entertainment at the Central Park Event’s Field on New Year’s Eve until 01:00 on New Years Day.

The Environmental Health Department have recommended that the application is refused and therefore a notice of hearing before a licensing sub-committee has been served. This report outlines a written summary of the representations the Economic Development Service wishes make to the licensing sub-committee in relation to the application.

The Environmental Health representation is made in the context of the wider use of the Events Field, particularly the Big Tribute Festival/Live in the Park event.

The Economic Development representation is therefore made in two parts:

- **Section 1** contains background information regarding the events at Central Park including Big Tribute Fest/Live in the Park.
- **Section 2** addresses the variation application.

Recommendations and Reasons

Events are a key part of place-making for any major city. They provide a reason to visit and invest; they enhance the experience of a place for visitors and local people; and offer an insight into a city’s character and personality. They provide opportunities to raise the profile of the city and provide a reason for new visitors and investors to choose Plymouth.

The recommendation is that the variation is granted in accordance with the conditions outlined in Section 2 and for the reasons contained therein.

I. Background Information

I.1 Events at Central Park

In 2018 a new purpose built events field was established at Central Park. In 2022 the PCC Events Team began to manage this space on behalf of PCC Environment Planning via a Service Level Agreement (SLA). The brief is as follows:

To increase PCC income to support the development of the park as a high-quality visitor destination for all, through the development of diverse and inclusive commercial events which support the management and maintenance of Central Park and bring in new audiences.

Prior to this SLA the only annual events to be held at Central Park were the Easter Fair and the September Circus, plus the occasional concert such as Tom Jones in 2021 and Ball&Boe/Simply Red/Paloma Faith in 2022.

2022/23 has been the first full year of events in the events field and has operated as test bed for the new space. Events have included:

- Oktoberfest – a Bavarian cultural festival with food, drink and live music taking place over 2 days with 6,000 people attending.
- Dinosaurs in the Park – an educational family event featuring over 30 animatronic life-sized dinosaur models over a one month period, attended by 30,000 people.
- Street Food Warehouse – a 3 day street food festival over May bank holiday weekend featuring world food & drink, live DJs and background music, attended by 10,000 people.
- The Big Tribute Festival and Live in the Park events as outlined below.

It should also be noted that during this time Plymouth Argyle Football Club have also increased the number of events taking place at Home Park Stadium including full stadium concerts such as Muse and Rod Stewart in June 2023.

I.2 The Big Tribute Festival Overview

The Big Tribute Festival and Live in the Park involved live music concerts taking place at Central Park across eight days in August 2023.

These were 'Third Party' events, delivered by the Big Tribute Fest UK Ltd (led by local businessman Jack Fry) under PCC's Premises License for the venue.

The events were booked by the PCC Events Team in liaison with Environment Planning, providing income to support the ongoing maintenance and development of Central Park. In addition, over **£6,000 was raised for St Luke's Hospice** and **250 tickets were donated** to local organisations and charities.

The Big Tribute Fest UK Ltd were responsible for all aspects of event planning and management, with the Events Team ensuring that safety paperwork was in order and carrying out regular site checks pre, during and post event. The event was also scrutinised by the Event Safety Advisory Group.

1.3 The Big Tribute Festival Public Response

15,500 tickets were sold across the events, with a complete sell out of VIP and accessible tickets. Food and beverage sales were also extremely strong with many local vendors saying it was the most successful event they have ever attended.

11 complaints of noise disturbance from amplified music were received.

A huge amount of positive reviews were received across social media, some examples are included below:



Richard Campbell

I was only there Sunday and absolutely loved it ❤️ a big thank you to all the bands, staff and people i met during the day 😊 and the poor ones who had to put up with my dad dancing 🕺😂❤️

Like Reply 6w Edited



Dawn Champion

Absolutely brilliant 🍷🍷🍷 ...

Like Reply 7w



Anne Chapman

My husband and I was up there 3days absolutely brilliant. Xx ...

Like Reply 6w



Debbie Cole

Love it all ❤️❤️❤️❤️ ...

Like Reply 6w



Sarah Ann Flynn

Absolutely outstanding weekend thank you Jack Fry and team 🎉 ...

Like Reply 7w



Gem Parkyn

Can't wait to come with my daughter again , we loved it this year 😊

Like Reply 2d



1.4 Noise Monitoring at Central Park Events

The maximum permitted noise levels for the Big Tribute Fest were set by Environmental Health as follows:

98 dB (A) over a 15 minute period applied to:

- FOH Control

75 dB (A) over a 15 minute period applied to offsite monitoring locations:

- Lower Central Park footpath near Glendower Road / Inverdale

- Footpath linking Alma Road & Discovery Way
- Jubilee Row towards Barn Park Road
- Junction of Scott Road & Outland Road

It was understood by all parties that the event would help PCC better understand how noise in the park impacted on residents, and therefore complete transparency in the noise monitoring records provided by the organiser would be beneficial.

The organiser monitored noise levels at the above locations on 324 occasions during the event. On 304 occasions the levels were within permitted levels. On 20 occasions the noise was found to be on average **0.5dB in excess of permitted levels.**

Following learnings from the Big Tribute Fest, the Events Team and Environmental Health have agreed a number of new measures for events in Central Park which are already being implemented:

- Each event will be reviewed on a case-by-case basis rather than applying a blanket approach to noise restrictions across all events. Historically, the measure of 93 dB at Front of House has been used which, whilst appropriate for 20,000 capacity concerts on the Hoe, may not be appropriate for a smaller concerts in a more noise sensitive venue. Scale, time of year and duration of events will be taken into consideration in future when agreeing noise restrictions.
- As a minimum, the following has been added to the standard Terms & Conditions: *“The Music Noise Levels should not exceed the background noise level by more than 15 dB(A) over a 15 minute period at 1 metre from the façade of any noise sensitive premises.”*
- For any event at Central Park, the Noise Management Plan and all noise monitoring locations will be agreed with Environmental Health
- Environmental Health Officers will have more of a presence on site during high noise risk events in order to monitor that the organisers are adhering to the agreed plans.

2. Variation Application

2.2 New Year's Eve

The variation application is in relation to **New Year's Eve events only**. It would permit the sale of alcohol and regulated entertainment on New Year's Eve until 01:00 on New Years Day.

New Year Eve is a huge moment in the UK's cultural calendar. All over Britain there are parties, fireworks, singing and dancing, to ring out the old year and ring in the new, and Plymouth is no exception. Anyone who has stood out in their garden at midnight to watch fireworks light up the Plymouth skyline, or who has joined their neighbours in the street banging pots and pans, will attest that this is no ordinary night in the city.

Plymouth City Council's Licencing Policy states that it will deal with the issue of licensing hours on the "individual merits of each application" and that "public nuisance should not result from later operation." The concerns outlined in the representation from Environmental Health are centred around public nuisance because of noise disturbance.

The date for which this variation is requested cannot be ignored. Noise from garden parties, fireworks and general merrymaking can be heard all around Plymouth, often lasting into the early hours of New Year's Day. In this context, it is highly unlikely that a safe and organised public event held under the proposed license will cause public nuisance.

2.3 Additional Conditions

In addition to the conditions outlined by the Police, a number of additional conditions are suggested below that would help further mitigate public nuisance concerns and ensure events can be safely delivered.

1. High risk activities as identified by PCC (such as ice skating) not permitted after 18:00
2. No re-entry to the event site from 18:00
3. Fairground rides and roaming entertainment to cease at 22:30
4. After 23:00 ensure all sides to the marquee are closed, doorways are closed except in an emergency.
5. Sale of alcohol to cease at 00:00
6. No licensable activities to take place after the hours of 00:30 on New Year's Day
7. Ensure the site defined as the central park event space is clear of members of the public by 01:00
8. Any amplified music and/or live performance or entertainment must be kept within the agreed marquee space.
9. Ensure the stage is positioned on the event space with PA and backline facing north towards the leisure centre
10. An effective Noise Management Plan should identify external monitoring locations and typical sections will include 1) Noise criteria; 2) Assessment including predicted noise levels and; 3) Noise control/complaint management procedure. This will need to be agreed with the Plymouth City Council Public Protection Service in advance of the event.
11. The Music Noise Levels should not exceed the background noise level by more than 15 dB(A) over a 15 minute period at 1 metre from the façade of any noise sensitive premises as agreed with the Plymouth City Council Protection Service.
12. Only hush generators or mains power to be used after midnight
13. Ensure egress routes are well lit and staffed including consideration for an additional 2 tower lights to be positioned in the park lighting the walkways to Milehouse Park n Ride and Life Centre Car Park
14. Active security teams to patrol the nearby park area and event site up until 01:00
15. No vehicle movement between the hours of 18:00 on New Year's Eve and 08:00 on New Year's Day unless for blue light services

Environmental Health have said in their representation "Following the previous breach there is a lack of confidence in the management and a real concern that any new conditions may not be adhered to." It has been outlined in Annexe I that at the time of the Big Tribute Festival PCC (both Events Team and Environmental Health) did not have a full understanding of the likely noise impact of such an event on residents. The event acted as an excellent proving ground that has helped to establish a more robust process of noise restrictions and monitoring, which includes the increased presence of Environmental Health officers at high noise risk events.

The PCC Events Team have a rigorous procedure for ensuring that all Third-Party Events are delivered safely and in accordance with not only the Premises License Conditions but with additional specific conditions as outlined in each event Ts&Cs. This includes thorough checking of all event paperwork and RAMS, incorporation of feedback from ESAG and additional multi-agency meetings as required, recorded site visits and on-call support. The competency of the Events Officers is demonstrated through training and experience, and the ongoing safe delivery of a world-class annual events programme which attracts over 600,000 people per year. In addition, the Events Team continue to work in close collaboration with a range of PCC departments who bring to bear additional expertise and responsibility in specific areas, including Environmental Health.

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MEMO

Public Protection Service

**Licensing Act 2003****Environmental Health Representation**

From: Unit Manager, Public Protection Service

To: Head of Licensing Section

FAO: Marie Price

Date: 12th October 2023

Schedule Ref: 947411

Investigating Officer: Will Tomkins

Extension Number: 304740

Application Details:**Premises:** Central Park, Outland Road, Milehouse**Name of Applicant:** Victoria Allen, Marketing and Events, Plymouth City Council**Address:** Marketing and Events, Plymouth City Council, Ballard House, Plymouth, PL1 3BJ**Type of Application:** Alcohol /Entertainment Licence/
Late Night Refreshment Licence**Date of Inspection:** N/A**Representation**

This department would like to make the following representation:

I consider the application to undermine the following licensing objectives:

(please delete as appropriate)

The Prevention of Public Nuisance

The likely effect of granting the licence as applied will undermine the licensing objectives because:*(How will the application undermine one or more of the four licensing objectives - under each objective explain what problems would occur if the licence were granted as applied for. Provide evidence/experience where possible.)*

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The event space at Central Park has been used more frequently over the past 2 years. This site licenced area is open air and permits the sale of alcohol and regulated entertainment until 23:00. Central Park is surrounded on all sides by residential streets.

The most recent large-scale event at the site was the Big Tribute Fest/Live in the Park that took place over 7 days between the 11th and 20th of August 2023. The event included regulated entertainment taking place within a big top marquee. The current premises licence permits entertainment until 23:00 only.

The use of the premises licence for Big Trib/Live in the Park resulted in 8 complaints from residents of noise disturbance from amplified music. Complaints were also received from 2 Plymouth City Council Councillors and one from the local MP. Following an investigation by the Environmental Health Department, a breach of the premises licence was identified. The breach was caused by the Licence Holder and DPS not adhering to the agreed noise management plan. In accordance with the Environmental Health Enforcement Policy the Premises Licence Holder and Designated Premises Supervisor were issued with informal warning letters for the licence breach.

In light of the noise complaints received and the warning letter sent to the licence holder, the Environmental Health Department considers any extension of hours will have a negative impact on the Licence Objective for The Prevention of Public Nuisance.

The variation application for this site is to permit the sale of alcohol and regulated entertainment until 0100. Plymouth City Council's Licensing Policy states "Applications for licensed premises located in residential areas wishing to open beyond 23.00 will need to ensure that a high standard of control is included within their operating schedule so that, for example, public nuisance will not result from later operation.

Between the hours of 23:00 and 08:00 hours any new premises licence is expected to include a condition of total sound containment within the licensed premises. Any existing licensed premises that cause disturbance between 23:00 and 08:00 hours are expected to take measures to reduce noise levels so as not to cause a nuisance to local residents."

During negotiations with the applicant, concerns have been raised by this department that the licensed area is in the open air, as such the site will be unable to meet sound containment requirement after 23:00 as specified in the Council's Licensing Policy. Any sound escaping from the site will have a negative impact on the Licence Objective for The Prevention of Public Nuisance.

During the negotiations the applicant has provided a number of suggested conditions that they would be happy to have added to the premises licence. The suggested conditions will not meet the standard specified in the Licensing Policy for sound containment after 23:00 as quoted in the previous paragraphs. The Environmental Health Department is concerned that the existing licence conditions were not adhered to during Big Tribute Fest/Live in the Park. Following the previous breach there is a lack of confidence in the management and a real concern that any new conditions may not be adhered to.

It is the Environmental Health Departments opinion that any extension of hours for regulated entertainment will have a negative impact of licence objective for The Prevention of Public Nuisance.

Recommendations

I therefore recommend that this application is Refused.

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