

# Licensing Sub Committee

Monday 6 November 2023

## PRESENT:

Councillor Rennie, in the Chair.  
Councillor Tippetts, Vice Chair.  
Councillors Patel and Moore (fourth member).

Also in attendance: Jonathan Ball (Enforcement Officer), Rosie Brookshaw-Williams (Democratic Advisor (Observing)), Sharon Day (Lawyer), Cathy Morley (Lawyer), Marie Price (Senior Enforcement Officer) and Hannah Whiting (Democratic Advisor).

The meeting started at 10.00 am and finished at 11.50 am.

*Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.*

### 38. **Appointment of Chair and Vice-Chair**

The Committee agreed to appoint Councillor Rennie as Chair and Councillor Tippetts as Vice Chair for this meeting.

### 39. **Declarations of Interest**

No declarations of interest were made.

### 40. **Chair's Urgent Business**

There were no items of Chair's urgent business.

### 41. **Exempt Business**

The Committee agreed to pass a resolution under Section 100A(4) of the Local Government Act 1972 to exclude the press and the public from the meeting for the following items of business, on the grounds that they involve the likely disclosure of exempt information, as defined in paragraph 1/2/3 of Part I of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

### 42. **Personal Licence Grant Report**

The Committee:

- I. Considered the fact that the hearing involved the discussion around the applicant's criminal record which was sensitive data. As a result, the matter would be heard in private in accordance with regulation 14 of the Licensing Act 2003 (Hearing)

Regulations 2005 as the public interest in hearing the matter in private outweighed the public interest in hearing the matter in public. The outcome could be reported without the identity of the applicant being known and this would satisfy the public interest in this case;

2. Were not satisfied that to grant the application would undermine the Crime Prevention Licensing Objective for the reasons set out below and therefore agreed the application would be granted.

*(Please note there is a confidential part to this minute)*

*(At the end of this item the Committee agreed to return to a Part I meeting)*

#### 43. **Variation of Premises Licence Notice Report**

The Committee having:

- a) Considered the report from the Director of Public Health, law, policy and guidance contained therein;
- b) Considered what was said by the applicant both verbally and in writing as follows:
  - i. The purpose of the event field at Central Park as outlined in the written response to the notice of hearing. A number of events that had taken place. The income from the events was used to fund the role of Community Hub Park Ranger;
  - ii. In particular, the Big Tribute Festival was outlined and the fact that 11 complaints of noise disturbance from amplified music were received. Noise levels had been set and out of 324 noise monitoring's that were taken, 20 were found to be above the permitted levels by on average of 0.5dB. As a result of the lessons learned from this event, a number of new measures were agreed between Big Tribute Fest, the Events Team and Environmental Health. Those agreed measures were set out in the written response to the notice of hearing;
  - iii. One of the minimum measures in place in the standard terms and conditions was that noise levels should not exceed background noise levels by more than 15dB(A) over a 15 minute period at 1 metre from the façade of any noise sensitive premises;
  - iv. Conditions had been agreed with Police Licensing, which were additional conditions dedicated to the event space only and related to the door supervisor requirement. The applicant was happy with police conditions. The SIA requirement was actually more onerous than what was usually expected for

- standard events. The event also had to go to the Event Safety Group (multi agency meeting) and they asked which firms involved were going to be – if they weren't happy with who was being used then they would not allow the event;
- v. The variation application applies to New Years Eve (NYE) only and would permit sale of alcohol and regulated entertainment on NYE after 11pm. In the conditions that had been put forward in the response, to the notice of hearing (suggested conditions), it was suggested that alcohol sales ceased at 12.30 and entertainment ceased at midnight;
  - vi. The representation from Environmental Health centred around public nuisance because of noise disturbance. However, given that the variation applied to NYE only and there was likely to be noise from garden parties, firework and general merrymaking which often lasted into the early hours of New Year's Day (NYD) (including a significant firework display planned by Plymouth Argyle) it was therefore highly unlikely that a safe and organised public event would cause a nuisance;
  - vii. In respect of allegations of non compliance with the licence on previous occasions, it was said that the Big Tribute Festival did not have a full understanding of the likely noise impact on residents however, the event had helped establish a more robust process of noise restrictions;
  - viii. The applicant was happy to work with other event organisers who had operated on the Event Space without noise complaints being received;
  - ix. The applicant provided a map of the Event Space and confirmed that this was the area that was always going to be used;
  - x. The music would be provided by a band playing 1980's music for the 2023 event;
  - xi. The event planned for NYE will have a smaller capacity than that which caused the noise complaints and this would help with noise containment;
  - xii. The applicant would be happy for condition 14 of the suggested conditions to be amended to 01.30 on NYD to help with the dispersal of patrons;
  - xiii. The Events Team managed expansive events and would tightly manage and monitor any event on NYE and ensure they worked with Environmental Health;
  - xiv. The suggested conditions would help mitigate public nuisance concerns and to ensure events could be safely delivered;

- c) Considered what was said by Environmental Health, both orally and in writing, as detailed below and found the representation to be relevant to the prevention of public nuisance licensing objective:
- i. Currently regulated activities and sale of alcohol were limited to 11pm;
  - ii. Central park was surrounded on all sides by residential properties;
  - iii. During the Big Tribute Fest/Live in the Park, which took place over seven days between 11 - 20 August 2023, regulated entertainment took place within the big top marquee. Eight noise complaints about amplified music were received from residents plus two complaints from local councillors and one for the local MP;
  - iv. A breach of licence was identified as part of the investigation and this was caused by the Licence Holder and DPS not adhering to the agreed noise management plan. Informal warning letters were issued as a result;
  - v. The Licensing Policy stated that:
    - applications for licensed premises located in residential areas wishing to open beyond 23.00 would need to ensure a high standard of control was included within their operating schedule so that, for example, public nuisance would not result from later operation, and;
    - Between the hours of 23.00 and 08.00 hours any new premises licence were expected to include a condition of total sound containment without the licensed premises. Any existing licenced premises that caused disturbance between 23:00 and 08:00 were expected to take measures to reduce noise levels so as not to cause a nuisance to local residents;
  - vi. The fact that the licensed area was in an open space means that the site would be unable to meet a sound containment requirement as specified in the Licensing Policy and neither would the suggested conditions meet this requirement. Sound escaping from the site would therefore have a negative impact on the Prevention of Public Nuisance licensing objective;
  - vii. The fact that licence conditions were not adhered to previously also raises concerns that any new conditions may not be complied with;
  - viii. Given that the applicant cannot comply with the total sound containment requirement as per the Council's policy Environmental Health considered that they had to make a representation in addition to the fact that noise complaints had arisen from previous events;

- ix. Confirmed that as per condition 11 of the suggested condition, a noise level of 15dB above background noise outside a person's house would generally mean that no disturbance should be caused inside because of the mitigation provided from walls, doors and windows (provided all were closed);
  - x. If noise problems were to occur then it was not possible to say which properties would be most affected because it very much depended on wind direction and other factors;
  - xi. Previous noise complaints came from a variety of sources including older people and families with young children;
  - xii. The potential noise issue arises from the sound from the PA system and entertainment. A noise limiter would not work because it is the structure of the marquee which prevents sound containment;
- d) Disregarded information provided by the applicant in relation to the revenue raised from events held at the event space as this was not relevant to the licensing objectives;
- e) Agreed that having considered the representation from Environmental Health the committee did not believe that granting the licence would undermine the prevention of public nuisance licensing objective provided additional conditions were applied to the licence. This was appropriate to ensure that the additional two hours of operation did not cause any problems for local residents. The additional conditions would be those detailed below and were taken from the suggested conditions put forward by the applicant. None of the additional licence conditions required total sound containment as per the Licensing Policy. However, the committee considered that it was appropriate to depart from policy in this case as the variation was for NYE into NYD only and that was generally one of the busiest nights of the year with lots of events taking place. This meant that the potential for noise disturbance from this one event was likely to be minimal. The additional conditions being added to the licence were therefore considered sufficient and appropriate to promote the licensing objectives in this case (together with the conditions consistent with the operating schedule and those agreed with the Police);
- f) Therefore, the Committee agreed the licence would be granted as applied for subject the conditions consistent with the operating schedule, conditions agreed with the police and the following additional conditions:

For events taking place on New Year's Eve running into New Year's Day the following conditions would be applied:

1. The Event Space was the area shown coloured pink on the plan below;
2. No re-entry to the Event Space from 22.30;
3. Fairground rides and roaming entertainment to cease at 22:30;
4. Sale of alcohol to cease at 00:00 on New Years Day;
5. No licensable activities to take place after the hours of 00:30 on New Year's Day;
6. Ensure the Event Space was clear of members of the public by 01:00 on New Years Day;
7. Any amplified music and/or live performance or entertainment must be kept within the agreed marquee space;
8. Ensure the stage was positioned on the Event Space with PA and backline facing north towards the leisure centre;
9. 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 would need to be agreed with the Plymouth City Council Public Protection Service in advance of the event;
10. 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 (e.g. residential premises);
11. Only hush generators or mains power to be used after midnight;
12. Ensure egress routes were 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;
13. Active security teams to patrol the nearby park area and Event Space up until 01:30.

