

LICENSING PANEL

FRIDAY, 9 MARCH 2018

PRESENT:- Councillors Vera Tomlinson (Chair), Alan Bishop and Caryl Sydney-Smith, Vera Tomlinson and Alan Bishop

An apology for absence was received from Councillor Steph Exell.

95. Appointment of Chair

Resolved – That Councillor Vera Tomlinson Chair this meeting of the Licensing Panel.

(Councillor Tomlinson took the Chair.)

96. Declarations of Interest

The Chair reminded Members of the need to declare any known interests in any matters to be considered at the meeting. No declarations were made.

97. Application to Application to Vary the Premises Licence in respect of Old Town Bowl, Quarry Road, Old Town, Swindon together with a copy of each relevant representation made and supporting documents together with a copy of each relevant representation made and supporting documents

The Panel considered (a) a report of the Council's Senior Licensing and Events Officer setting out details of an application to vary a Premises Licence for the Old Town Bowl, Quarry Road, Old Town, Swindon, (b) written representations from six local residents opposing the variation, (c) oral submissions in support of the application by the applicants, (d) oral submissions by three local residents in support of their objections, (e) written and oral representations in respect of the prevention of public nuisance made the Council's Licensing Manager, (f) questions from Members to the applicant and objectors and answers received, and (g) the Council's procedure for licensing hearings, the Secretary of State's Guidance and the Council's Statement of Licensing Policy.

The Council's Senior Licensing and Events Officer advised the hearing that the applicants wished to amend their application in Sections F, G and H on pages 27 to 29 of the agenda papers as follows:

(i) That section F of the application be amended to read "Recorded Music on Friday and Saturday between 12:00pm and 10:30pm".

(ii) That section G of the application be amended to read "Performances of Dance on Friday and Saturday between 12:00pm and 10:30pm".

(iii) That section H of the application be amended to read "Anything of a Similar Description to that Falling within (c), (f) or (g) on Friday and Saturday between 12:00pm and 10:30pm".

The Council's Senior Licensing and Events Officer introduced the report noting:

- The application to vary the Premises Licence for the Old Town Bowl, as amended, was set out on pages 19 to 39.
- The minutes of the Licensing Panel meeting that granted the current Premises Licence was set out on pages 41 to 44 of the agenda papers.
- The Current Premises Licence was set out on pages 45 to 55 of the Premises Licence.
- The comments of the Council's Environmental Health, including suggested conditions, were set out on pages 59 and 60 of the agenda papers.
- Objections from six local residents were set out on pages 61 to 70 of the agenda papers.
- That the applicant had advertised the application for variation in accordance with the appropriate regulations.
- That no representations had been received from Wiltshire Police, Dorset and Wiltshire Fire and Rescue Service, the Child Protection Service, Planning Department, Trading Standards or the Public Health Board.
- That members in determining the application for a variation should be mindful of Policy PN1, PN4, PN5 and paragraph 1.19 of the Council's Statement of Licensing Policy (January 2017).
- The options available to the Panel in determining the application for variation.

The comments of Councillor Nadine Watts (Ward Councillor) and objectors in opposing the application for variation can be broadly summarised as:

- She was representing local residents who had made representation but were unable to attend the hearing.
- The volume of noise arising from outdoor events at the Old Town Bowl meant that many local residents needed to move to the rear of their properties for the duration of events.
- Noise and car parking issues were not only experienced in the immediate vicinity but also in the wider Old Town community.
- That the variation whilst seeking flexibility for the applicants was still excessive in the view of local residents.
- Objections before the Panel recognised the accumulative impact of the variation application and the other five licences in operation at the Old Town Bowl.
- That summer events often started late and went on until after it was dark.
- Late events caused problems for those local residents who were early commuters or shift workers.
- The number of events and noise levels arising from their operation had a serious impact on the amenity of local residents and their ability to enjoy their property and their ability to use their gardens during events.
- The main concerns of the objectors related to noise and low frequency vibrations which were experienced a considerable distance from the venue.
- Other issues relating to events were related to littering, people leaving events drunk, parking issues and damage to property.
- Film events also caused problems for local residents.
- The impact on local residents was disproportionate in the summer months and the request for additional events would only exasperate the issues faced as residents would be facing noise and nuisance problems most weekends in addition to any week day events.

- Local residents had received little contact from event organisers and residents were not aware of the location of any noise monitoring points.
- The Old Town Bowl was not a legal address nor was it listed at the Land Registry so it was important to know exactly where events were being staged, the distances to residential properties and the location of sound monitoring points.
- That the application was not in line with the Council's guidance for outdoor events which suggested a finishing time of 8:30pm; local residents couldn't understand how a later time met the Licensing Objectives.
- That the issue of the suggested variation did not accord with PN4 in the Council's Licensing Statement.
- Local residents were willing to endure a limited number of events at the venue each year but given there were already six premises licences in force an addition would be unreasonable.

Responses to questions to Objectors and Officers can be broadly summarised as:

- The closest property was about 80 metres from the event but nuisance levels depended on the topography of the land in relation to individual dwellings and the nature of the event.
- Complaints had not been made regarding outdoor events at the venue because the process for submitting complaints had been unclear as was the person you needed to complain to as promoters had not provided relevant information to local residents.
- Local residents were unlikely to complain if there were only occasional events but the number of events appeared to be increasing.
- That a lot of residents had been unaware of the application for a variation which was why only six objections had been received.
- It was unclear to the objectors why Wiltshire Police had not made a formal representation regarding behaviour of attendees, damage to properties or parking issues.
- Each event had the potential to cause problems and to a greater or lesser extent each of them did.
- That after entering the current process the objectors had learnt about the process for reviewing Premises Licences and the number of complaints relating to events was likely to increase.

The comments of the Licensing Authority can be broadly summarised as:

- There had been one complaint received in respect of film nights at the venue.
- Policies PN4 and PN5 recommend that the event organiser engage with the Event Safety Advisory Group.
- The times for ceasing the sale of alcohol and exiting the venue were in accordance with guidance.
- The Council's Licensing Manager had attended and monitored events by the applicants for the previous three years. The last complaint received was in 2015 and resulted in the sound mixer being turned down to reduce noise levels.
- Additional/amended conditions to tighten control had been proposed by the Council's Licensing Manager and all but one had been agreed by the applicant (who wished to enter into additional dialog regarding the condition

they didn't initially accept).

- The Licensing Authority would enter into discussions with the applicants to address the issue of low frequency noise raised by the objectors.
- The number of noise monitoring points could be increased for live events.
- The 65dB (A) Leq level (15 minutes) for sound was in accordance with code of practice guidelines.

The applicant's case and a summary of points raised can be broadly summarised as:

- The comments made by residents were understood and would be taken into account.
- Although the current Premises Licence permitted four events per annum the applicant's currently only ran one event.
- The application for variation was intended to offer flexibility in the nature of events offered.
- The applicant had been running events for seven years at the venue and had worked closely with the Events Safety Group and Licensing Authority during that time.
- There might be mid-week events should the variation be granted to screen events of national interest.
- The events were organised using marshals and volunteers who, for instance, cleaned up litter outside of the venue area following events.
- It was recognised that sound was a major issue and the applicants would continue to work with the Licensing Authority to address any issues.
- The applicants wanted to provide those attending with a good experience whilst minimising impact on local residents.
- Where possible delayed speakers would be used on events such as screenings in order to reduce noise levels outside of the event area.
- The 65dB (A) Leq sound level (15 minutes) was needed to make events satisfactory for those attending.
- That events were run by people with experience in running sound companies and events at the venue itself.
- For screened event speaker volumes would be reduced which would lessen the impact of both noise and low frequency vibrations.
- The applicants indicated that they would ensure the delivery to local residents of contact information for a responsible person at future events.

Resolved - That after considering: -

1. The application for variation to the licence made by the Licensee; and
2. Representations and material put forward on behalf of the Objectors;

And taking into account: -

1. The Secretary of State's Guidance; and
2. The Licensing Authority Licensing Statement:

And having in mind the promotion of the Licensing Objectives in particular: -

- i. The prevention of public nuisance; and
- ii. Public Safety

The Panel has determined that the application, as amended, be agreed as below:

1. The permitted hours for films and plays be Monday to Sunday 12:00 until 22:30.
2. The permitted hours for live music be Friday and Saturdays 12:00 until 22:30.
3. The permitted hours for recorded music be Friday and Saturdays 12:00 until 22:30.
4. The permitted hours for performance of dance be Friday and Saturdays 12:00 until 22:30.
5. The permitted hours for anything of a similar description to that falling within paragraphs E, F and G of the application be Friday and Saturdays 12:00 until 22:30.
6. The permitted hours for the supply of alcohol be Monday to Sunday 12:00 until 22:00.
7. The hours the premises are to be open to the public Monday to Sunday 12:00 to 23:00.
8. That the number of events permitted during a calendar year shall be increased from 4 to 10 of which up to a maximum of 2 shall be live music events and up to a further 8 shall be “big screen” events.
9. That in addition to the conditions on the existing Premises Licence the following additional/modified conditions should be applied to the licence: -
 - i. That all proposed conditions set out on pages 59 and 60 have been agreed and shall be applied to the Premises Licence save for:
 - (a) The second proposed condition set on page 59 of the agenda papers shall be amended to read: “The control limits set at the mixer position shall be adequate to ensure that the Music Noise Level at any noise sensitive premises shall not exceed 65dBA LAeq over a 15 minute period at any time during the event” which shall be substituted for condition 16 on the current Premises Licence.
 - (b) That proposed condition 10 set out on page 60 of the agenda papers shall be deleted.
 - (c) That proposed condition 11 shall be amended to read 22:00 hours.
 - ii. That the Premises Licence Holder and the Council’s Licensing Manager shall agree in writing the permitted level of low frequency noise during licensable activates together with the number and location of monitoring positions.

- iii. That no later than 14 days prior to the event the organisers shall distribute to all residential premises, within 100metres of the boundary of the event, a leaflet setting out the date, time and nature of the event together with a contact telephone number of a competent person responsible for noise control. The contact telephone number shall remain active during the event.

Reasons

1. The Panel noted that no objections had been received from the Statutory Authorities.
2. Notwithstanding the comments of objectors regarding not understanding the process for making noise complaints, the Panel noted that no noise complaints had been received in respect of previous events operated by the Premises Licence Holder.
3. The Panel noted the applicant had accepted all but one of the recommendations for conditions proposed by the Environmental Health. It determined that with the additional/amended conditions imposed on the Premises Licence that any impact on local residents could be minimised.
4. The Panel considered the objectors comments regarding PN1, PN4, PN5 and paragraph 1.19 of the Council's Statement of Licensing Policy and noted also the comments regarding the issue of earlier licences at the Old Town Bowl due to the absence of objections.
5. The Panel noted that the application in question was for a variation of an existing licence and determined the application on its merits noting that additional/amended conditions imposed on the Licence would minimise, as far as possible, any effect on local residents.
6. The application could not be judged on the success or otherwise of other events and/or promoters given the applicant's history of operating events at the location.
7. The Panel heard evidence that the applicant was experienced at running events at the location and had been willing to engage with the Licensing Authority at previous events.
8. The Panel took into account the applicant's statement in regarding the nature of events proposed and his comments as to seeking flexibility in the promotion of events. It also took into account his willingness to offer a condition to limit music events.

The Chair reminded both parties that they had a right of appeal to the Magistrates' Court against the determination of the panel. Such an appeal, must be commenced within 21 days of the receipt of the determination including reasons.