

LICENSING PANEL

TUESDAY, 26 NOVEMBER 2013

PRESENT:- Councillors Abdul Amin, John Ballman and Alan Bishop.

22. Appointment of Chair

Resolved – That Councillor Alan Bishop Chair this meeting of the Panel.
(Councillor Bishop took the Chair.)

23. 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.

24. Application to vary the Premises Licence in respect of the Lydiard Park, Swindon, SN5 3PA

The Panel considered (a) a report of the Council's Licensing Officer setting out details of an application for a variation to the Premises Licence held by Lydiard Park, Swindon, (b) written representations from local residents against the grant of the variation, (c) additional representations (emails) by objectors, maps and photographs tabled at the meeting, (d) oral submissions by Hilary Coates, Maria Blackmore and John Bennett (parish council representatives and local residents) against the grant of the variation of the Premises Licence, (e) submissions received in support of the application received from Stuart Webb (Lydiard Park Manager), Ian Surtees (Commercial Manager Leisure, Swindon Borough Council), and Tim Stevens (Best Parties Ever) in support of the application, (f) questions from Members to the applicants and objectors and answers received, and (g) the Council's procedure for licensing hearings, the Secretary of State's Guidance and the Council's Licensing Policy.

Resolved - After considering: -

1. The application for a variation to the Premises 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

That subject to the conditions set out the following licensable activities be approved and the Premises Licence held by The Lydiard Park, Swindon, be varied accordingly, subject to the conditions set out in this decision.

Sale by retail of Alcohol

Monday to Sunday 09:00 – 01:00

Films, Plays and Performance of Dance

Monday to Sunday 09:00 – 00:00

Live Music and Recorded Music

Monday to Sunday 09:00 – 01:00

Late Night Refreshment

Monday to Sunday 09:00 – 01:00

Condition

(1) Licensable activities shall be permitted until 1am between 19th November and 22nd December annually, and that for the period 23rd December to 18th November the existing licensable hours and conditions shall remain in force.

Reasons

(i) To define the scope of the varied licensable activities and to protect the amenities of local residents.

(ii) That the varied licensable activities approved were subject to conditions offered by the applicant and it was determined that approval of such hours for a limited period subject to those could be conditions would ensure minimal impact on the amenities of local residents.

(iii) The Panel heard evidence as to the experience of the promoter in running similar events around the Country which had not reported any problems and noted that references had been sought as to the conduct of events in other Licensing areas.

(iv) The Panel noted that during this period potential noise nuisance would be reduced by the likelihood that local properties would not have windows and doors open during the extended licensing period of 00:00 to 01:00.

Condition

(2) The additional hour until 1am shall be in operation for no more than 16 event days per annum.

Reasons

(i) To define the scope of the varied licensable activities and to protect the amenities of local residents.

(ii) The limit on the number of days on which licensable activities could be held was offered by the applicant as the maximum numbers of days that when events would be held on in any given year, and the Panel determined that this would assist in ensuring minimal impact on the amenities of local residents.

Condition

(3) That all permitted licensable activities granted under this permission shall be held in the area marked on the map, tabled at the meeting, as the Events Field.

Reasons

(i) To define the scope of the varied licensable activities and to protect the amenities of local residents by way of ensuring that the conditions approved by the Licensing Panel were effective and tailored to a specific area of the site covered by the Premises Licence.

(ii) That the definition of the area where the proposed event could be held meant that neighbouring properties were at least 600 metres from the event and in the case of Lydiard Millicent approximately 900 metres in distance which with conditions would limit any noise impact on neighbouring properties.

Condition

(4) All amplified music shall be played through a noise limiting device by the Licensing Authority. All amplified music shall be played through the said limiter at all times.

Reasons

(i) To reduce the risk any noise levels escaping from the marquees and/or any other approved structure and help prevent potential noise nuisance to neighbouring properties.

Condition

(5) The limiter shall be set at a level agreed by the Licensing Authority, or such persons as authorised by the Licensing Authority, after 8:00 pm on the night preceding the first event and shall not be increased without the written permission of the Licensing Authority.

Reasons

(i) To ensure noise levels within the marquees and/or any other approved structure are set at an appropriate level and to help prevent potential noise nuisance to neighbouring properties.

(ii) To reduce the risk of changes in atmospheric conditions that might lead to an increase in sound omissions from the event causing a nuisance to neighbouring properties.

Condition

(6) That the Event Organiser shall monitor noise levels in up to 5 key locations, including Lydiard Millicent during the period of Licensable activities, and at least one test will be held during the period 00:00 to 01:00 during the first three events. A written record of the location, time, assessment of the noise levels and any remedial action required shall be kept in writing and made available to the Licensing Authority upon request. Should noise from the events be audible to the Events Manager following a report from a local resident or parish council the Events Manager shall assess the likelihood of disturbance to neighbouring properties and, if necessary, reduce the sound levels at the event. A copy of any reports to the Events Manager and actions undertaken shall be put in writing and made available to the Licensing Authority upon request. The Events Manager shall be deemed as the responsible person for dealing with complaints and taking appropriate action to reduce noise levels as necessary. Following the first three events should no remedial actions be necessary to reduce sound levels the monitoring of noise levels shall be undertaken once per night.

Reasons

- (i) To ensure noise levels within the marquees and/or any other approved structure are set at an appropriate level and to help prevent potential noise nuisance to neighbouring properties.
- (ii) A condition on noise monitoring was proposed by the applicant and the Licensing Panel and amendments to the submitted proposal to take into account the concerns of local residents.

Condition

(7) The event organisers shall send a letter to all residents on the nearest five roads to the event and this letter shall include details of the days and timings of each event together with the contact details, in the form of the name and mobile telephone number of the Event Manager for contact should any noise disturbance occur. In the event of any calls from neighbouring properties or the adjoining parish council the Events Manager shall assess the likelihood of disturbance to neighbouring properties, and if necessary reduce the sound levels at the event. The mobile telephone of the Events Manager shall remain switched on during all entertainments authorised by the varied premises licence. A copy of any reports to the Events Manager and actions undertaken shall be put in writing and made available to the Licensing Authority upon request.

Reasons

- (i) To ensure noise levels within the marquees and/or any other approved structure are set at an appropriate level and to help prevent potential noise nuisance to neighbouring properties.
- (ii) A condition on noise monitoring was proposed by the applicant and the Licensing Panel and amendments to the submitted proposal were made to take into account the concerns of local residents.

Condition

(8) The events manager shall ensure that the speaker orientation ensures that the output is directed onto the dance floor to prevent noise breakout to the outside of the hard-sided structure. Furthermore, no bass amplification shall be permitted during the events authorised by the premises licence.

Reasons

(i) To ensure noise levels within the marquees and/or any other approved structure are of an appropriate nature and to help prevent potential noise nuisance to neighbouring properties.

(ii) A condition on preventing bass amplifiers was proposed by the applicant and the Licensing Panel determined that this condition would help prevent noise emanating from the event which might give rise to noise nuisance.

Condition

(9) All cars, or vehicles accessing the site in relation to the event, shall after the commencement of activities, use the two car parks at Lydiard Park.

Reasons

(i) To prevent potential noise nuisance to neighbouring properties arising from people arising or leaving the event through private transport or by way of taxis or other hired vehicles.

(ii) To ensure that patrons attending events did not cause nuisance to neighbouring streets and to facilitate people leaving the venue by accessing their transport from the car park.

Condition

(10) All access to the site related to licensable activities after 7:00pm shall be via the Hook Street entrance.

Reasons

(i) To prevent noise nuisance to neighbouring properties arising from people arising or leaving the event through private transport or by way of taxis or other hired vehicles.

Condition

(11) All event activities shall be held in marquees and/or other suitable enclosures approved in writing by the Licensing Authority.

Reasons

(i) To ensure noise levels within the marquees and/or any other approved structure

are set at an appropriate level and to help prevent potential noise nuisance to neighbouring properties.

(ii) To ensure all activities are within approved structures in order that any noise arising is retained on site.

The Chair reminded all parties that they had the right of appeal to the Magistrates Court against the determination of the Panel and that any such appeal must be commenced within 21 days of the determination being sent to them.