

LICENSING ACT 2003 SUB-COMMITTEE

Thursday, 10 April 2014

Present: Councillor WJ Davies (Chair)
J Salter
M Sullivan

50 APPOINTMENT OF CHAIR

Resolved – That Councillor W J Davies be appointed Chair for to consider the application.

51 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Sub-Committee were asked to declare any disclosable pecuniary and non pecuniary interests in connection with any application on the agenda and state the nature of the interest.

No such declarations were made.

52 APPLICATION FOR A PREMISES LICENCE - CLAREMONT FARM, OLD CLATTERBRIDGE ROAD, BEBINGTON

The Strategic Director of Regeneration and Environment reported upon an application that had been received from Wirral Food and Drink Limited for a Premises Licence in respect of Claremont Farm, Old Clatterbridge Road, Bebington, under the provisions of the Licensing Act 2003.

The hours requested were outlined within the report. The applicant had submitted an operating schedule setting out how the business would be conducted/managed in accordance with the four licensing objectives. A copy of the full application was available. Members were advised that the proposals set out in the operating schedule may become conditions of the licence should the licence be granted.

Representations had been received from 25 local residents. The representation related to concerns that there would be noise nuisance caused by entertainment taking place at a late hour at the location and concerns of anti-social behaviour from persons attending events. Residents also had concerns in relation to parking related nuisance. Copies of the representations were available.

A representation had also been received from Environmental Health. The Environmental Health Officer had concerns that noise nuisance could be caused to neighbouring residents if good management and suitable noise control provisions were not in place. A copy of the representation was available.

The applicant attended the meeting together with the Operational Director.

Mr N Joughin, Environmental Health Officer, was also in attendance, as were a number of local residents.

The Licensing Manager confirmed that all documentation had been sent and received.

Mr D K Abraham, Legal Advisor to the Sub-Committee advised that a representation had been received against the application by Mr K Abraham and clarified that he was not the same person who had made the representation.

The Licensing Manager outlined the application and informed Members that a copy of the plan would be distributed at the relevant time.

The applicant outlined the reasons for the application and informed Members that the premises currently has a licence which allows them to hold a food and drink festival and that this had taken place over the last eight years during August Bank Holiday. He advised that other events were being held in Liverpool that weekend which would result in a lot of competition and that this was one of the reasons he wished to move the event to a different weekend and therefore had to apply for a Premises Licence. He informed Members that he wanted the farm feast event to be until 6pm and an evening event from 7-11pm with three acoustic bands and to make the event more sustainable and to provide alcohol and entertainment. The application was for a Premises Licence to allow the supply of alcohol and provision of regulated entertainment on no more than three occasions in one calendar year.

The applicant indicated that he intended to use the licence for two other events as well as for this evening event. He gave details of the food festival which was to be held over two days of the May Bank Holiday weekend, namely 25 and 26 May 2014 which would be known as Farm Feast and informed Members that this would finish at 6.00 pm on the Sunday and Monday with an evening event to be known as Livestock to take place between 7.00pm and 11.00 pm on Sunday 25 May 2014.

The applicant and the Operational Director provided Members with details relating to the event plan for the farm feast event and the livestock event and advised that an Event Management Structure was in place which included the management of the site to ensure that people entering and leaving the evening event would take place away from local residents' houses. Members were further advised that the applicant had engaged with appropriate experts to deal with particular areas of the event plan including the management of noise, security, safety and traffic management.

The applicant and the Operational Director responded to questions from Members of the Sub-Committee, Mr D K Abraham and local residents regarding matters including traffic and transport, numbers of people expected to attend the event, noise levels, staffing and security. The applicant clarified that the application was for no more than three events to be held per calendar year.

Mr N Joughin, Environmental Health Officer expressed his concerns that public nuisance may be caused to local residents should suitable noise control measures not be put in place. He suggested a number of appropriate conditions be attached to the Licence that he believed would control the level of noise emanating from music. He also advised that the applicant had appointed an independent noise expert who would be on site to control and manage noise levels emanating from the site.

A short adjournment took place. The meeting reconvened at 12.00 pm.

The Chair advised all parties that during the adjournment Members had decided to carry out a site visit on Tuesday 15 April 2014 at 9.30 am and that the hearing be reconvened at 10.30 am on site.

The local residents in attendance addressed Members and advised them of their concerns that should a Licence be granted, this would allow the sale of alcohol and provision of entertainment seven days a week. They also expressed concerns regarding public nuisance and public safety, in particular, noise nuisance, traffic issues, anti-social behaviour and the dispersal of people late at night.

The meeting was adjourned at 12.30 pm to Tuesday 15 April 2014.

Following said site visit where the applicant responded to questions from Members regarding the location of the festival, car parking and security and the location of the residents who had made representations, Members duly reconvened the meeting at 10.30 am.

The Chair confirmed that Members and officers had visited the site together with a local resident, the applicant and the Operational Director.

The Environmental Health Officer confirmed he had no further comments or observations.

The applicant responded to questions from Members and local residents.

A local resident in attendance advised that a number of issues had been clarified since the first meeting and that his main concern had been that the Premises Licence would permit alcohol and entertainment seven nights a week.

Members returned to Wallasey Town Hall to deliberate upon the application.

In determining the application the Licensing Act 2003 Sub-Committee had regard to the Licensing Objectives, the Council's Statement of Licensing Policy and the Statutory Guidance issued under section 182 of the Licensing Act 2003.

Members accepted the evidence provided by the applicant that stringent measures would be put in place to address the issues raised by residents. These measures included the management of the site to ensure that people entering and leaving the site for the evening event would take place away from local residents' houses, the employment of an independent noise consultant to monitor the level of music so that it would be no more than 65 decibels, the employment of a security firm, a traffic management company and the use of safety stewards.

In determining the matter, Members gave consideration to the fact that whilst reference was made to three events, the applicant provided details of one event and sought to demonstrate how this event would be controlled and managed in order to ensure that the licensing objectives would be upheld.

Members took into consideration the fact that no information or evidence had been provided in respect of other possible events or how such events would be managed, Members therefore considered it appropriate to restrict the Premises Licence to this one event and impose appropriate conditions to address the issues raised by the interested parties.

In determining the matter Members took account of the fact that no representations had been received from Merseyside Police, Trading Standards, Fire Authority, Planning, Area Child Protection Board, Public Health or the Licensing Authority.

Resolved -

(1) That in accordance with Regulation 14(2) of the Licensing Act 2003, the public be excluded from the meeting during consideration of the application.

(2) That the application in respect of Claremont Farm, Old Clatterbridge Road, Bebington be granted for one event per calendar year with the following hours:

Sale by Retail of Alcohol

Sunday to Saturday 10:00 to 23:00

Hours Open to the Public

Sunday to Saturday 10:00 to 00:00

Regulated Entertainment

Sunday to Saturday 10:00 to 23:00

(3) That the following conditions be placed on the Premises Licence:

- 1. The Premises Licence Holder must carry out all necessary consultations with Wirral Borough Council's Events Advisory Group, Merseyside Fire and Rescue Service, Highway Authority, Merseyside Police, Merseyside Ambulance Service, Health and Safety Executive, and any other relevant organisations, and obtain all necessary permissions, licences, authorisations and approvals. The Licence Holder must attend all meetings as requested by the Wirral Events Safety Advisory Group.**
- 2. A first draft Event Plan including Site Plan must be developed and provided to Wirral Events Safety Advisory Group no later than 6 months ahead of an event.**
- 3. A comprehensive Traffic Management Plan must be provided to the Wirral Event Safety Advisory Group to ensure minimum impact on traffic movement in the surrounding areas.**

- 4. A final Event Management Plan, including the site plan, must be submitted to the Licensing Authority no later than 7 days before the Event.**
- 5. The event must be carried out in accordance with the Event Management Plan unless otherwise agreed with the emergency services. For these purposes, the emergency services are the Fire Authority, the Ambulance Service and the Police.**
- 6. The Premises Licence Holder must ensure that appropriate personnel within the management structure of the event including contractors and sub-contractors that are involved in the organisation of the event are aware of the conditions applied to the Licence.**
- 7. Heras Fencing must be put in place as shown on the plan attached to the Premises Licence.**
- 8. A professional security company must be appointed and a comprehensive security plan adopted; the plan must be submitted to the Wirral Event Safety Advisory Group for scrutiny and must be provided to the Licensing Authority no later than 7 days before the event.**
- 9. A designated Security Manager and a roving team of SIA Staff must be available on site to provide support and assistance to the Event Management Team as required during opening hours.**
- 10. Before 19:00, a minimum of 1 dedicated SIA Staff must be in place at the bar areas.**
- 11. From 19:00 to 00:00, a minimum of 2 dedicated SIA Staff must be in place at the bar areas.**
- 12. SIA staff must be positioned at the site entrance / exit to monitor and control attempts to bring alcohol on to the site – the organisers and security team will retain the right to conduct random searches as a condition of entry, and refuse access to anyone judged to be suffering from the effects of alcohol or other substances.**
- 13. Security Staff must be briefed on the policies concerning admissions, exclusions and safeguarding of the public.**
- 14. An internal communications system, including two way radios, must be provided to security staff and all key personnel.**
- 15. Any incidents must be reported to Event Control and recorded in the Event Log which must be made available for inspection by an Authorised Officer.**
- 16. No open glass vessels, glasses or bottles are permitted beyond the boundaries of the event. Notices to that effect must be displayed at the exits, stating that "No open glass containers are to be taken beyond this**

point. Thank you for your cooperation." Bottle / Glass receptacles must be placed at all the main entrance / exit points.

17. From 19:00 all drinks must be provided in plastic / polycarbonate drinking vessels.
18. Training of Bar Staff must include instruction on refusing the sale of alcohol to persons under the age of 18 and to people who are drunk. A record of this training must be made available to an Authorised Officer on request.
19. The premises must implement a Challenge 25 policy and display posters relating to this policy.
20. Bar Staff must be trained on the age verification policy. Records of training must be kept and made available to an Authorised Officer.
21. Notices must be displayed advising adults about the illegality of purchasing alcohol on behalf of under 18's.
22. Staff under 18 years of age must not be permitted to serve alcohol.
23. A designated 'welfare' point must be established, staffed by suitably qualified and experienced staff with enhanced DBS disclosure.
24. A Major Incident Contingency Plan must be incorporated into the Event Plan and provided to the Wirral Event Safety Advisory Group at least 6 months ahead of an event.
25. Event Management and Security must be briefed on the implementation of the Major Incident Plan. A record of this briefing must be available for inspection by an Authorised Officer.
26. All contractors and service providers must provide written risk assessments, method statements and evidence of insurance in advance of the event; these documents will be held on site and available for inspection.
27. A public address system must be installed to provide information and advice to the public in the case of any incidents or emergencies.
28. A Medical Team must be engaged to provide first aid services, and support staff and emergency services in the event of a major incident.
29. Parking must be provided on land adjacent to the event site, including the provision of disabled parking bays.
30. A free shuttle bus service to and from Spital Station must be available during event opening hours.
31. Signs must be in place to direct visitors to car parks, shuttle buses, coaches and taxis.

- 32. Notices must be displayed at exit gates requesting visitors to leave quietly respecting local residents.**
- 33. The Premises Licence Holder shall appoint a suitably qualified and experienced noise control consultant no later than 6 weeks prior to any music event. The noise control consultant shall liaise with all parties including the Premises Licence Holder, Promoter, sound system supplier, sound engineer and the Local Authority as applicable on all matters relating to noise control prior to and during the event.**
- 34. The noise control consultant must carry out a survey to determine the background noise levels 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 music event. The information obtained from this survey must be made available to the Licensing Authority 4 weeks prior to the event.**
- 35. A noise propagation test must be undertaken 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.**
- 36. The control limits set at the mixer position shall be adequate to ensure that at one point Music Noise Level must not at any noise sensitive premises exceed 65Db(A) over a 15 minute period throughout the duration of the music event.**
- 37. The control limits set at the mixer position shall be adequate to ensure that the Music Noise Level must not at any noise sensitive premises exceed 65 Db(A) over a 15 minute period throughout any rehearsal or sound check for the event.**
- 38. The Premises Licence Holder must ensure that the event organiser, promoter, sound system supplier and all individual sound engineers are informed of the sound control limits and that any instructions from the noise consultant regarding noise levels shall be implemented.**
- 39. The appointed noise control consultant must 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 Noise Consultant will have authority to reduce the volume if it becomes excessive. The Licensing Authority shall have access to the results of the noise monitoring at any time.**
- 40. Amplified equipment must be installed in such a way as to project sound away from built up or residential areas.**
- 41. Lighting on the site must be positioned so as to minimise any effect on local residents.**

- 42. A comprehensive Waste Management Plan must be in place, this will include the provision of bins across the site and regular litter picks. Food waste must be kept separate from other materials in clearly identified bins.**
- 43. All traders must be advised of their responsibilities for litter and food waste in and around their pitch. Designated waste collection points must be established.**
- 44. A waste disposal company must be contracted to make regular collections from the site.**