

## DECISION NOTICE

### Southern Area Licensing Sub Committee

#### Decision made on 25 April 2023

Application for a Premises Licence in respect of Victoria Park, Salisbury, made by the Immersive Group Ltd.

**Councillors:**

Cllr Trevor Carbin (Chairman), Cllr Jerry Kunkler and Cllr Tim Trimble

**Decision:**

Arising from consideration of the report, the evidence and submissions from all parties and having regard to the Statutory Guidance, the Council's Statement of Licensing Policy and the Licensing Act 2003, the application for a Premises Licence in respect of Victoria Park, Salisbury, be **GRANTED** for the licensable activities as shown below:

Licensable Activities	Days	Timings
Live Music Recorded Music	Monday to Sunday Outdoors	10:00hrs – 22:30hrs
Sale by retail of Alcohol	Monday to Sunday ON and OFF sales	10:00hrs – 22:30hrs

And subject to the following conditions:

Additional Conditions (1 – 5 below) proposed by Environmental Protection and Control and accepted by applicant and Conditions (6 – 8 below) applied to the licence by the Sub Committee:

1. Any operation in the park would need to be subject to Salisbury City Council agreeing to hire the space each time and also an Event Management Plan (EMP) being agreed by all relevant authorities.

- 2. No more than 5 events in a calendar year and events will not take place on consecutive weekends.**
- 3. A Noise Management Plan (NMP) shall be submitted by the premises license holder to the licencing authority least 30 days before the commencement of any event for agreement in writing. The NMP shall be prepared by a suitably qualified person and include details of how all noise related issues will be managed including:**
  - i. target noise levels, frequency of measurements and a map/plan to show where measurements will be taken;**
  - ii. details of physical measures required for attenuation of MNL to achieve target noise levels;**
  - iii. management controls;**
  - iv. details of how local residents will be communicated with in advance of the event;**
  - v. complaints policy and procedure.**
- 4. The Noise Management Plan must be adhered to at all times during the event.**
- 5. Alcohol sales, live and recorded music to end no later than 22:30 hrs to allow time for people to leave the site and any packing down and waste clearance to be completed before 23:00 hrs.**
- 6. The 5 events per year be limited to one day events, not to be held on consecutive days.**
- 7. A notice to be visibly displayed during events, with contact details of the named person of responsibility. The location of the notice to be agreed with Salisbury City Council (SCC).**
- 8. All drinks to be served in non-glass receptacles.**

### **The Applicant**

The Applicant, The Immersive Group and their representatives informed the Sub Committee that the application was for a maximum of five events in one calendar year, with Salisbury Live on 12 August being the only current confirmed event at this time.

The Salisbury Live event would be a family event which would include, food drinks and entertainment, with acts including a mixture of tribute bands and local artists and performances by music students from the local college.

An Event Management Plan (EMP) would be produced once the premises licence application stage was complete. The EMP would set out further details such as position of the stage and plans for other aspects of the event such as security, noise management and the provision of toilets to accommodate those attending the event.

The Applicant had previous experience at holding events around the city and in the city centre and had established recognition for good management and delivery of those events.

The Applicant had worked with Environmental Health to agree further conditions to alleviate any concerns.

A proposed brochure was circulated to all present, detailing the schedule for a range of Salisbury Live events throughout the year at other venues, to provide an example of what could be expected at a future event held in Victoria Park.

The Applicant advised that a financial deposit arrangement would be agreed with SCC to cover costs incurred due to the replacement of any plants/trees damaged as a result of the event.

Entrance to the event would be by ticket only and this would be through designated entrances, with staff from an accredited security company monitoring visitors throughout the event.

Attendance figures were estimated to be around 1000. It was expected that people attending would walk to the event or travel by bus, as parking on site was limited.

### **Responsible Authorities**

There were no representations from any Responsible Authorities.

### **Representations**

Representations were received from thirteen local residents and the divisional Member for the area. Four of these were in attendance and expressed concerns about perceived public/noise nuisance from the event, particularly the noise from the music acts at the event which would be playing until 22:30 hrs. The proximity of the performance stage to the residential properties in Park Lane was a key concern of all of the residents present.

Concerns relating to excess parking in the surrounding area were highlighted.

A local resident expressed concerns about the possibility of damage to plants and young trees in the park and queried whether the Applicant would liaise with the local Tennis Club or the 'Friend's of Victoria Park' community Group to share information prior to the event.

Another local resident highlighted the possible noise impact on local residents during the summer months when they would have their windows and doors open and be spending time in their gardens.

There was mention of a historic covenant which had legal restrictions on the use of the park.

Those present were informed that the Licensing Sub Committee was unable to consider issues relating to highways and parking but that if there were issues in the future, these could be referred to the appropriate departments within Wiltshire Council. The matter of any existing covenants on the park would be for the owners of the site, Salisbury City Council to establish.

### **Reasons**

In reaching its decision, the Sub Committee took account of and considered all the written evidence and the representations from all parties present at the hearing. The Sub Committee noted the concerns noted in the agenda and raised by the local residents at the hearing concerning the anticipated public noise nuisance, particularly from bands performing at the event, and considered that by restricting the number of events to 5 one day events per year, with the cut off time for music and sale of alcohol each day ending at 22:30 hrs would limit the public noise disturbance to the local residents.

The Sub Committee heard no evidence that the Applicant would fail to promote the licensing objectives, with information suggesting that the Applicant had a history of good management at previous events around the city, a good working relationship with the local Police Teams, cooperation and liaison between Environmental Health and with the Licensing Authority. These points all indicated that the Licensing Objectives would be upheld if the Licence was granted.

The Sub Committee were not able to consider any issues raised concerning parking or highway matters or matters relating to any legal covenants which may be in place, as these representations were not concerned with the promotion of the licensing objectives. The Sub Committee can only hear evidence concerning the licensing application and the promotion of the licensing objectives.

The Sub Committee also considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 18); the four Licensing Objectives; the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

### **Right to Appeal**

The Premises Licence Holder, any Responsible Authority(ies) and Interested Parties who made representations were informed that they may appeal the decision made by the Licensing Sub Committee to the Magistrates Court. The appeal must be lodged with the Magistrates Court within 21 days of the written notification of the decision. In the

event of an appeal being lodged, the decision made by the Licensing Sub Committee remains valid until any appeal is heard and any decision made by the Magistrates Court.

A Responsible Authority or an Interested Party may apply to the Licensing Authority for a Review of a Premises Licence. Whether or not a Review Hearing takes place is in the discretion of the Licensing Authority, but, if requested by an Interested Party will not normally be granted within the first 12 months except for the most compelling circumstances.