

Southern Area Licensing Sub Committee

MINUTES OF THE SOUTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 25 APRIL 2023 AT THE PUMP ROOM, THE OLD FIRE STATION ENTERPRISE CENTRE, 2 SALT LANE, SALISBURY, SP1 1DU.

Present:

Cllr Trevor Carbin, Cllr Jerry Kunkler and Cllr Tim Trimble

Also Present:

Applicant

- Dave Hancock, Director of The Immersive Group Ltd
- Aimee Hancock, Director of The Immersive Group Ltd
- Colin Holton, Salisbury Live

Those who made relevant representation.

- Reps 4, 10, 11 & 13 – Local residents.

Wiltshire Council Officers

- Lisa Alexander – Senior Democratic Services Officer
- Mike Edgar – Senior Solicitor
- Katherine Edge – Public Protection Officer - Licensing
- Cameron Osborne – Democratic Services (Observing)
- Max Hirst – Democratic Service (Observing)

Also in attendance

Members of the public and representatives from Salisbury City Council.

1 Election of Chairman

Nominations for a Chairman of the Licensing Sub Committee were sought and it was

Resolved:

To elect Councillor Trevor Carbin as Chairman for this meeting only.

2 Apologies for Absence/Substitutions

There were no apologies.

3 Procedure for the Meeting

The Chairman notified all those present at the meeting that it was not being recorded by Wiltshire Council, but that the meeting could be recorded by the press or members of the public.

The Chairman reminded those present that any speakers that wished to remain and make a statement to the Sub Committee would be giving consent to there being the possibility that they would be recorded presenting this.

It was noted that those that had made a representation would not be identified by name within the minutes.

The Chairman then asked if anyone present wished to withdraw from the meeting. All parties confirmed they wished to remain in and take part in the Sub Committee hearing.

The Chairman explained the procedure to be followed at the hearing, as contained within the "Wiltshire Licensing Committee Procedural Rules for the Hearing of Licensing Act 2003 Applications".

4 **Chairman's Announcements**

The Chairman gave details of the exits to be used in the event of an emergency.

5 **Declarations of Interest**

There were no interests declared.

6 **Licensing Application**

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

Licensing Officer's Submission

The Sub Committee gave consideration to a report (circulated with the Agenda) in which determination was sought for an application for a new premises license, presented by Katherine Edge (Public Protection Officer – Licensing) for which 14 relevant representations had been received. The application was for the following licensable activities:

Licensable Activities	Days	Timings
Live Music	Monday to Sunday	10:00hrs – 22:30hrs
Recorded Music	Outdoors	

Sale by retail of Alcohol	Monday to Sunday ON and OFF sales	10:00hrs – 22:30hrs
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It was noted by the Sub Committee that there were 4 options available to them:

- 1) To grant the licence subject to such conditions as are consistent with those included in the operating schedule submitted with the application, modified to such extent as the Sub Committee considers appropriate for the promotion of the licensing objectives, together with any mandatory conditions required by the Licensing Act.
- 2) To exclude from the scope of the application any licensable activity.
- 3) To refuse to specify a person as the designated premises supervisor.
- 4) To reject the application.

The following parties attended the hearing and took part in it:

On behalf of the Applicant

- Dave Hancock, Director of The Immersive Group Ltd
- Aimee Hancock, Director of The Immersive Group Ltd
- Colin Holton, Salisbury Live

Relevant Representations

- Rep 4 - local residents in objection to the application
- Rep 10 - local resident in objection to the application
- Rep 11- local resident in objection to the application
- Rep 13 - local resident in objection to the application

The Chair advised that the written representations had been read and considered by the members of the Sub Committee in advance of the meeting. The Chair invited the Applicant to introduce their application.

Applicant's submission

The Applicant and their representatives (detailed above) spoke in support of the application, highlighting the following points:

- The application was for a maximum of five events in one calendar year, with Salisbury Live on 12 August 2023 being the only current confirmed event.
- 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.
- A financial deposit arrangement would be agreed with Salisbury City Council (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.

Sub Committee Member's questions

In response to Members questions the following points of clarification were given:

- An approved security company from Bournemouth would be used to manage the entrances and exits.
- Plastic vessels would be used, all glass bottles would be decanted by the serving staff and no glass would be given out to customers.
- The application was for a maximum of 5 events per year, however only one event was currently planned. The other events when planned may be different than the Salisbury Live event on 12 August 2023. Salisbury City Council would need to grant permission for any event planned before it could go ahead.

Questions from those who made a relevant representation

In response to questions from those that had made a relevant representation, the following points of clarification were given:

- The legal requirement for displaying notifications had been met. Some of the notices displayed had been taken down by unknown people.

Summary of submissions from those who made relevant representations

- Lack of notification of the application to local residents with suggestions that a leaflet drop to those around the park would have been a more informative approach to alerting residents of the application.
- Proximity of the live music stage to the local residents.
- Inadequate parking at the site for the numbers expected to attend.
- The provision of a designated Noise Manager to deal with queries on the day of events.
- Safety of children with regards to the sale of alcohol.
- Disturbance to the quiet nature of the residential roads around the park.
- The impact on the alcohol-free zone at the park.
- Damage caused by attendees of the event to shrubs, flowers and new tree planting.
- Disturbance to local residents who would wish to use their gardens or open windows in the summer months.
- The toilet facilities were inadequate for a large scale event.
- The football pitch was used every weekend. The event would cause damage to it.

Sub Committee Members' questions

In response to Members questions the following points of clarification were given:

- As with any music event, there would be a level of noise created. The proximity of the stage to the surrounding residential area would need to be planned carefully.
- The notices had been displayed in accordance with set procedure. The removal of the notices by unknown parties was beyond the control of the Applicant.

Questions from the Applicant:

There were no questions from the Applicant.

Closing submissions from those who made relevant representations

In their closing submission, the those that made a relevant representation in objection to the application highlighted the following:

- The park was not a suitable location for large scale music events.
- The Applicant should consider the provision of buses to and from the event to alleviate parking issues which it was felt would arise with an expected high attendance.
- There was a historic covenant at the park which restricted how the park could be used. This was a legal matter which may prevent the event from taking place.
- Whether usual users of the park would be able to access it during the event.
- Whether the 'Friends of Victoria Park' volunteer Group or the Tennis Club had been approached to inform them of the event.
- A wider circulation of the finer detail of what was proposed, should the application be granted.
- The disturbance to local residents during the summer months when windows and doors were more likely to be open and people would be using their garden spaces.
- A feeling that there had been a lack of consultation with the residents surrounding the park.

Applicant's closing submission

In their closing submission, the Applicant highlighted the following:

- There had been compliance with all of the requirements, including the erection of the notices.
- Extensive planning was involved in preparation for the events, with opportunities for employment of up to 60 local people.
- Victoria Park was a public space for all to enjoy, the event would increase the number of people able to enjoy the space.
- The application needed to be viable, so was for a maximum of 5 events rather than 1. Only one event had currently been planned.

- There were further hurdles to pass before the event could take place, the license application was the first stage of the process.
- There would be further consultation.
- Toilets/parking/tennis would be planned for and be included in the EMP, which the applicant would be happy to share with residents once it had been produced.
- There was a proven track record of operating in public spaces.
- The event would be planned with the 4 licensing objectives in mind.

Points of Clarification Requested by the Sub Committee

No points of clarification of the final submissions were requested by the Sub Committee.

The Sub Committee then adjourned at 11:05 and retired with the Senior Solicitor and the Senior Democratic Services Officer to consider their determination on the licensing application.

The Hearing reconvened at 11:45.

The Senior Solicitor advised that he gave legal advice on the four licensing objectives to the Sub Committee.

The Southern Area Licensing Sub Committee RESOLVED:

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.**

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 could only consider 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.

Having regard to all the material before it, the Sub Committee did not consider there to be evidence that if the licence were granted in accordance with the application and the imposition of the conditions referred to above the likely affect would be that one or more of the licensing objectives would be undermined. In particular, the Committee was required to (and did) give weight to the following matters:-

- 1) The Applicant had followed the correct process in displaying the blue notices and there was not requirement to individually notify surrounding residents.
- 2) That none of the responsible authorities had raised concerns about the application.
- 3) The approval of an EMP was required prior to an event taking place.
- 4) Salisbury City Council (SCC) would need to grant permission to use the site at Victoria Park, prior to any event taking place.
- 5) It was the responsibility of SCC to ensure that events held at Victoria Park were compliant with any covenant which may be in place.

- 6) Parking was not a relevant licensing consideration and as such could not be taken into account.
- 7) The Applicant had a history of managing large scale events around the city where there were no reported incidents.

The Sub Committee did, however, consider that it was appropriate for the promotion of the relevant licensing objectives, the prevention of public nuisance and Public Safety, to impose additional conditions as detailed above, and also to include a condition for the display of contact details of a named person of responsibility on the day of each event, to ensure there was opportunity for any issues that may arise, to be reported promptly for resolution.

Whilst it was recognised that the music event would create a level of noise which would be heard from the surrounding residential properties, restricting each of the five events to one single day (not to be held on consecutive days), would limit any disturbance to one day across a single weekend.

Informative

It should be noted that when conducting a review of a licence the Licensing Sub Committee can only consider concerns which relate to one or more of the statutory four licensing objectives and which are evidenced based.

Right to Appeal

It should be noted that the Premises Licence Holder, any Responsible Authority(ies) and Interested Parties who have made representations 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 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 in accordance with the provisions of section 51 of the Licensing Act 2003. 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.
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(Duration of meeting: 10.00 - 11.55 am)

The Officer who has produced these minutes is Lisa Alexander of Democratic Services, direct line 01722 434560, e-mail lisa.Alexander@wiltshire.gov.uk

Press enquiries to Communications, direct line 01225 713114 or email communications@wiltshire.gov.uk