

LICENSING SUB-COMMITTEE HEARINGS

2 MARCH 2012

Present :- Councillor Christopher Garnett (Chairman)
Councillors Margaret Kimberley
Substitute Member :- Councillor Colin Mudie for Councillor Barrie Cook

1. Appointment of Chairman/Membership

Councillor Mudie was in attendance for Councillor Cook.

RESOLVED that Councillor Garnett be appointed Chairman.

2. Declarations of Interest

There were no declarations of interest.

3. Minutes

The minutes of the meetings held on 9 and 16 December 2011 were approved as correct records.

4. Applications under the Licensing Act 2003

The Head of Environmental and Protective Services submitted a report in relation to the following application for determination by the Sub-Committee, in accordance with the provisions of the Licensing Act 2003.

• **Castle Park**

The Sub-Committee considered an application to vary the premises licence in respect of the Castle Park, High Street, Colchester to increase the capacity from 4,999 to 9,999

In Attendance

Applicant: Mr Baalham, Parks and Recreation Officer, Colchester Borough Council
Officers: Mr O'Shea, Licensing and Enforcement Manager; Mr Samuel, Legal Services;
Mrs White, Committee Services Officer (Licensing)

Mrs White, Committee Services Officer (Licensing), briefly introduced the application advising that representations had been received from a local resident and from Environmental Control in respect of this application. The Sub-Committee noted that the resident's objection concerned the licensing objective of public safety but was primarily

focussed on the difficulties that they had experienced in trying to gain information in relation to the application. The Sub-Committee was satisfied that these concerns related to the administrative process and had been adequately addressed by the Licensing and Enforcement Manager.

Mr Baalham presented the application and explained that certain events had, in recent years, come close to exceeding the capacity limit on the Castle Park premises licence of 4,999 and therefore he was seeking an increase in the capacity to 9,999. In addition to ensuring that all future events would not operate outside the terms of the premises licence it was hoped that by increasing the capacity it may be possible to attract higher profile performers to use the Castle Park for concerts. Mr Baalham outlined the measures that were taken in consultation with Environmental Control to ensure that noise disturbance to local residents was minimised. It was not anticipated that the increase in capacity would change this and the additional conditions requested by Environmental Control had been agreed by the applicant.

In response to questions from the Committee, Mr Baalham explained various operational matters including the standards for stewarding of the Park during events; liaison with the Police; and the control of patrons into ticketed events. He commented that on a sunny day without any special event taking place, there were often up to 5,000 in the Park.

The Decision

RESOLVED that the premises licence be varied to permit an increase in the capacity from 4,999 persons to 9,999 persons.

Conditions

The licence was granted subject to the following condition which was agreed between the applicant and Environmental Control in advance of the hearing -

The Music Noise Levels (MNL) when measured 1 metre from the boundary of any noise sensitive premises for music events taking place between 09:00 and 23:00 should not exceed 65dB(A) over a 15 minute period, including up to three concert days per calendar year with audience capacity above 5000, or the background noise level by more than 15dB(A) over a 15 minute period for between four and 12 concert days per calendar year with audience capacity above 5000.

It should be noted that if the number of concert days with an audience above 5000 per calendar year is expected to exceed three, the second noise level should apply to all events. Based on experience of the Castle Park concerts this will probably reduce the MNL by 10-20dB(A) which is likely to be too low for audience enjoyment at large events.

Reasons for the Determination

The Sub-Committee after carefully weighing the evidence of all parties considered that this was an application for the variation of a premises licence from an applicant with a good and established record in controlling noise nuisance from events which had been demonstrated by the lack of complaints relating to noise nuisance in recent years. The

Sub-Committee found that the applicants had experience in dealing with large numbers of people at events which had been demonstrated by management at previous events and by an absence of any reviews or representations from responsible authorities in relation to public safety.

The Sub-Committee felt that when weighed against the evidence presented by the local resident, it preferred the evidence of the applicant that any public safety concerns could be successfully addressed by the measures set out in the operating schedule on the licence, which had been tried and tested over a number of past events, together with the additional condition agreed with Environmental Control.

The Sub-Committee was mindful that its decision must be a necessary and proportionate response aimed at the promotion of the licensing objectives and for the reasons stated above, the Sub-Committee was satisfied that the most appropriate way forward was to grant the application subject to all conditions currently on the licence together with the additional condition agreed with Environmental Control.

The Committee also noted the existence of the review procedure under the Licensing Act 2003 and would remind all parties that they have the right to request a review if problems occur once the new licence is in operation.

5. Close of Meeting

The meeting closed at 10.25.