



Leicester
City Council

Minutes of the Meeting of the
LICENSING (HEARINGS) SUB-COMMITTEE

Held: FRIDAY, 29 NOVEMBER 2019 at 9:30 am

P R E S E N T:

Councillor Hunter (Chair)
Councillor Singh Johal (Vice Chair)

Councillor Fonseca

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29. APPOINTMENT OF CHAIR

Councillor Hunter was appointed as Chair for the meeting.

30. APOLOGIES FOR ABSENCE

There were no apologies for absence.

31. DECLARATIONS OF INTEREST

Members were asked to declare any disclosable pecuniary or other interest they might have in the business on the agenda.

There were no declarations of interest made.

32. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting held on 13 November 2019 be confirmed as a correct record.

**33. APPLICATION FOR A NEW PREMISES LICENCE: VICTORIA PARK,
LONDON ROAD, LEICESTER, LE1 7RY**

The Director of Neighbourhood and Environmental Services submitted a report on an application for a new premises licence for Victoria Park, London Road, Leicester, LE1 7RY.

Members noted that representations had been received, which necessitated

the application had to be considered by the Sub-Committee.

Mr Andrew Copping and Mr Andrew Craig (Live Nation (Music) UK Limited), Mr Jonty Stewart (Vanguardia) and Mr Phil Crier (Legal Representative for Live Nation) were present. Mr Robin Marston (Noise and Pollution Control Team), Mr Tj Mavani (Licensing Enforcement Team), Mr Nigel Rixon and Mr Dave Braithwaite (Leicestershire Police), Mr Ian Brown, Mr Douglas Smith and Ms Sally Williams (Residents) and a reporter from the Leicester Mercury were present. Also present were the Licensing Team Manager (Policy and Applications), and Legal Adviser to the Sub-Committee.

Introductions were made and the procedure for the meeting was outlined to those present.

The Licensing Team Manager (Policy and Applications) presented the report. It was noted that an application for a new premises licence had been received on 3rd October 2019 from Live Nation (Music) UK Limited for a new premises licence for a three-day event at Victoria Park.

It was reported that 18 representations had been received from the Noise and Pollution Control Team, Licensing Enforcement Team, Leicestershire Police and local residents on the grounds of the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm. The representors were concerned it was a large-scale event which would increase noise, anti-social behaviour including drunkenness and vandalism, littering, and traffic and parking problems in the area.

Mr Ian Brown outlined the reasons for the representation and answered questions from the legal representative for Live Nation and Members.

Mr Douglas Smith outlined the reasons for the representation.

Ms Sally Williams outlined the reasons for the representation.

Mr Mavani, Licensing Enforcement, outlined the reasons for the representation on the grounds of all four licensing objectives and answered questions from Members.

Mr Marston, Noise and Pollution Control, outlined the reasons for the representation made on the grounds of the prevention of public nuisance, and answered questions from Members, residents who had made representations, and the legal representative for Live Nation.

Mr Nigel Rixon, Leicestershire Police, outlined the reasons for the representation made on the grounds of all four licensing objectives, and answered questions from Members, residents who had made representations, and the legal representative for Live Nation.

Mr Crier, legal representative for Live Nation was then given the opportunity to respond to the points and concerns that were raised by the representors and

answered questions from Members and persons who had made representations.

All parties were then given the opportunity to sum up their positions and make final comments.

Prior to the Sub-Committee considering the application, the Legal Adviser to the Sub-Committee advised them on the options available to them in making their decision and the relevant policy and statutory guidance that needed to be taken into account when making the decision.

In reaching their decision, the Sub-Committee felt they should deliberate in private on the basis that it was in the public interest and as such outweighed the public interest of their deliberation taking place with the parties represented present.

The Licensing Team Manager, Legal Adviser to the Sub-Committee

The Sub-Committee then gave the application full and detailed consideration.

The Legal Adviser to the Sub-Committee was then recalled to the hearing to give advice on the wording of the decision.

The Chair informed all persons present that they had recalled the Legal Adviser to the Sub-Committee for advice on the wording of their decision.

RESOLVED:

That the application for a new premises licence by Live Nation (Music) UK Limited, Victoria Park, London Road, Leicester, LE1 7RY be GRANTED.

The Sub-Committee Members acknowledged the contributions made by everyone who attended the hearing and thanked all those who made representations in writing and in person at the hearing. They said they appreciated the time taken and thought given to the representations put forward and commended everyone for the way they conducted themselves throughout the hearing.

In reaching their decision, Members had carefully considered the committee report presented by the Licensing Officer, the legal advice given during the hearing, the representations made on behalf of the applicant, the representations made by the responsible authorities and the representations made by the Friends of Clarendon Park and by residents. In total, 18 separate representations were received.

When considering the application, Members said the licensing objectives were of paramount concern, and that they had considered the application on its own merits and in accordance with the licensing authority's Statement of Licensing Policy and guidance issued under Section 182 of the Licensing Act 2003.

The licensable activities which were the subject of the application were set out in paragraph 5.2 of Licensing Officer's report to Committee. The application for a new premises licence was made by Live Nation (Music) UK Limited on 3rd October 2019. The original application was for a proposed three-day event at Victoria Park from 19th to 21st June 2020. The application had been amended since it was made and was now for a one-day event proposed to take place on 20th June 2020 with the licensable activities taking place between the hours of 10.00am and 10.30pm

The principle objections made by and on behalf of residents included:

1. Victoria Park was not a suitable venue for the event due to its open nature and its closeness to dense housing.
2. The music noise levels identified for the event were not appropriate as residents believed that noise nuisance would be caused and that the identified noise levels should be restricted to 65db(A) in accordance with the 1995 Code of Practice on Environmental Noise Control for Concerts and Leicester City Council's apparent terms and conditions for the hire of Parks and Open Spaces.
3. The anti-social behaviour and crime and disorder which was bound to occur due the size of the event.

In addition to the objections, representations had been made on issues such as:

- the finish time and the dispersal of a large crowd
- the availability of public transport
- the impact of traffic restrictions
- problems experienced in 2014

In addition to the representations made by residents, representations were received from Leicestershire Police, the Council Noise and Pollution Control Team and the Council's Licensing Enforcement Team.

The Sub-Committee Members confirmed that they had not taken anything put before them on face value and that they had spent a great deal of time scrutinising the information and evidence in detail and with due rigour.

Members considered each of the options available to the Sub-Committee. Members stated that as a result of what they had heard they had decided to grant the application for one day on 20th June 2020, between the hours of 10.00am and 10.30pm and subject to strict conditions.

REASON FOR THE DECISION

1. The Sub-Committee believed that the additional steps identified by the applicant in the additional information and in representations made to them, together with conditions which will be attached to the licence, would ensure the promotion of the licensing objectives.
2. Members accepted the evidence regarding music noise levels put forward to them by the Council's Noise and Pollution Team in its capacity as

- responsible authority and the evidence put forward by the applicant's consultant Vanguardia, and accepted that music noise Levels set at 70dB(A) for support acts and 73 dB(A) for the headline act would not lead to a nuisance providing that all other aspects of the noise management plan were complied with.
3. It was in Members' view that applying the 2014 noise limits would achieve the right balance between those for and against the application whilst ensuring the promotion of the licensing objectives, particularly that relating to the prevention of public nuisance.
 4. Members had taken note of the statements made with regard to the Council's terms and conditions for the Hire of Parks and Open Spaces and accepted the explanation that the terms and conditions were tailored to individual bookings, and that it was unfortunate that the online application form made erroneous reference to terms and conditions which were not applicable to the booking made by the applicant.
 5. With regards to the hours, having heard all of the representations regarding the terminable hour, Members determined that it would be appropriate for the promotion of the licensing objectives for the licensable activities to finish at 10.30pm. The opening hours would remain as applied for, with closure at 11.30pm
 6. Members considered at length what had been said by everyone regarding the experience of a similar event organised by the applicant in 2014. It was noted that many of representations relating to anti-social behaviour and crime and disorder related to personal responsibility and not within the direct control of the applicant. It was further noted that the responsible authority and all the members of the Safety Advisory Group would have learnt the lessons from that event and with the conditions the Sub-Committee intended to apply, Members believed that behaviour would be managed and the licensing objectives promoted.
 7. Members stated that as far as train times were concerned, they hoped that the applicant working together with the Safety Advisory Group would ensure information regarding last trains, and indeed other transport options, was published and communicated to members of the public in the most effective way.
 8. Members added that conditions to be applied were set out at Appendix C of the Committee Report, with two amendments to the conditions consistent with the representation from the Noise Team:
 - a. A residential façade level not to exceed 73dB(A) for the headline act, and a residential level of 70dB(A) for all support acts.
 - i. Sound propagation testing either to be carried out in the early evening on *Friday 19th June 2020 or Saturday morning on 20th June 2020.*

34. ANY OTHER URGENT BUSINESS

There being no other items of urgent business, the meeting closed at 1.48pm.