



Winchester

City Council

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Philip Tidridge

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description

North Walls Recreation Ground
Gordon Road

Post town Winchester

Post code (if known) SO23 7DD

Name of premises licence holder or club holding club premises certificate (if known)

The Media Company Publications Ltd, 115 George Street, Edinburgh, EH2 4YR.

Number of premises licence or club premises certificate (if known)

PREM813

Part 2 - Applicant details

I am

Please tick yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Mr Mrs Miss Ms

Other
title

(for example, Rev)

Please tick yes

Surname

First names

I am 18 years old or over

Please tick yes

**Current
postal
address if
different
from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

| |
|--|
| Name and address Public Protection (Environmental Protection Team), Winchester City Council, City Offices, Colebrook Street, Winchester, Hampshire |
| Telephone number (if any) ----- |
| E-mail address (optional) ----- |

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 2)

Amplified music from live bands that formed part of the festival between 16 to 18 July 2021 resulted in 8 separate noise complaints being received by Environmental Health after the event took place.

Following investigation into these complaints and subsequent discussion with the Premises Licence Holder, the Environmental Health team remain concerned that sufficient measures to prevent public nuisance may not be implemented for future events. It is understood an event is currently proposed for 15 to 17 July 2022.

Environmental Health are therefore requesting that this licence is reviewed on public nuisance grounds and either suspended or amended, as considered appropriate by the Licensing Committee.

Additional information, including suggested additional conditions have been provided in section 3 to assist in making this decision.

Please provide as much information as possible to support the application
(please read guidance note 3)

Following an application made by Sue Hitchen of the Media Company Publications Ltd, a series of conditions were agreed to assist in achieving the licensing objective for the prevention of public nuisance. These for ease of reference are detailed below:

PN1 The premises licence holder shall produce an initial noise management and community liaison Plan (NMP) at least 90 days prior to the commencement of the event. The final NMP shall be submitted to the licensing authority for agreement no later than 30 days prior to the commencement of the event. No alterations to the NMP after this date shall be made by the Premises Licence Holder except with the written consent of the Licensing Authority.

PN2 The final NMP shall contain the methodology which shall be employed to control the sound produced on the premises. The NMP must include all of the arrangements for preventing public nuisance and consultation with the local community and shall include:

- a) An inventory and location of all sound systems to be used on the site
- b) Management command and communication structure/methods for ensuring that permitted sound system output and finish times are not exceeded
- c) Publication and dissemination of information to the public and arrangements for provision and staffing of a hotline number for dealing with complaints
- d) Actions to be taken by the event organiser following complaints

PN3 The premises licence holder shall ensure compliance with all aspects of the noise management and community liaison plan.

PN4 At least 7 days prior to an event the premises licence holder shall provide to the licensing authority a telephone number for contacting the premises licence holder or a nominated representative during the course of an event.

It has been established that the licence holder did not comply with any of these requirements as the licensing authority have no record of having received either a draft or final NMP (PN1 to 3) or being advised of a telephone number by the deadline required by PN4

Irrespective of this non compliance, Environmental health was keen to establish what measures were put in place. Following an initial remote "Microsoft Teams" meeting an exchange of dialogue by email occurred between myself and Sue Hitchen of The Media Company Publications Ltd. The main text from these emails (with dates) is provided in full below (with full names removed). This should be self-explanatory and provides a good overall picture of both the concerns flagged up and the premises licence holder's position regarding these matters.

02 August 2021

Dear Sue

Further to the teams meeting at lunchtime, agreed actions summarised below:

Provide -

1. Copy of letter given to local residents plus list of addresses it was hand delivered to.
2. Copy of paperwork submitted in accordance with conditions PN1 PN2 and PN4 of your premise licence (PREM 813) and confirmation if possible of when and to whom such was sent.
3. Details of sound monitoring performed (both by ear and by noise meter) – together with records of any readings taken.

During the meeting I confirmed I would advise you of any times specifically referenced and the name of the roads on which these were located. Having reviewed the noise reports I can confirm none made any specific reference to a particularly bad time, more the cumulative effect over the 3 days. As to location (for those that provided an address):

Hyde Abbey Rd
Colson Close
St Pauls Hill
Wales Street
Alswitha Terrace
Saxon Road
King Alfred Place

I have plotted approx. centre of these roads on below map, bar the one outlier (St Pauls' Hill) these were all likely sensitive noise receptors due to distance away from site.

11 August 2021

Dear Phil and Abby

I am so sorry for the delay in responding but wanted to get answers in from the team and a number of them were taking a break in our festival schedule.

I attach a copy of the letter that was distributed to local residents.

The list of the addresses where they were door dropped is as follows and a map is attached

Nuns Road
Birinun Road
Monks Road
King Alfred Place.

We had a fair few letters brought in to gain entry to the event and I have checked with our Front of House, Box office and security team and no noise complaints were received by them I have had a statement through from Terry the Site Manager about the noise monitoring: During the event I regularly checked noise levels by ear as suggested by Abby at the nearest properties and found no cause for alarm. The level was obviously audible but not to a level to make you talk any louder.

The noise levels are constantly monitored by the front of house technicians keeping them to a specific level.

Just to confirm that neither Terry or myself received any noise complaints during the event.

Terry returned Abby's call last week but was not able to speak to her.

Please could you send a copy of the licence through to me so that I can comment on it.

kind regards

Sue

12 Aug 2021

Dear Sue

Thank you for your email and information contained therein. Your premises license is PREM 813 and I have screen grabbed the public nuisance conditions attached to this premises licence below:

If you have any further comment can you please provide this by end of 18 August as thereafter I will be making recommendations as to the way forward from an Environmental Health regulatory perspective. As already advised I am currently minded to request that the premises license is called in for review with the decision being a matter for the licensing subcommittee to decide upon.

Regards

Phil

18 Aug 2021

Good to have spoken to you just now and to explain that unfortunately I did not receive the

paper licence through before the event and I did not have the above condition in writing to refer to.

However the noise management plan was submitted in advance of the event and the site plan showed the position of the stage but I did not realise that you needed the inventory and location of all sound systems.

The Management command structure and communication structure was submitted in the EMP and we made sure that finish times were not exceeded.

As discussed my mobile phone number was given to licensing in advance of the event and was also given in the letter to residents in advance of the event. The phone was manned as a hotline number throughout the event and I did not receive any noise complaints.

I have spoken to Neil on the sound desk and the sound level was monitored as 85db/90db at the desk.

kind regards

Sue

Conclusions

We have concluded that although there was non-compliance with PN1 to 4 some actions were taken to comply with the licensing objective for the prevention of public nuisance. However, these appear to have been inadequate. Specifically our concerns remain:

- The Premises Licence Holder's justification of not receiving a paper copy of the licence does not excuse the lack of compliance of conditions agreed and confirmed in writing by them. The Premises Licence Holder would have had a full record of the conditions that were ultimately proposed by them and were legally required to display this licence at their event.
- One resident within the area that was reported to have been sent a letter has advised that they did not receive one and the area covered was in any case very limited.
- The noise monitoring performed seems to have been limited and no records were made.
- Licensing have no record of being informed of the emergency telephone number as suggested and several local resident have reported that when they rang the number it was not answered. My colleague did receive the telephone number but only a day before the event after requesting it and not within the timeframe required by the licence condition.

In summary we currently have limited, if any, confidence of the Premises Licence Holder's ability to prevent public nuisance at a future event. If an event does occur, as is proposed for July 2022, Environmental Health will have to ensure a greater presence at this event despite the additional strain on very limited staffing resources, particularly over these summer months.

We therefore request that as a minimum additional conditions are included in the licence to further clarify our expectations with regards to the prevention of public nuisance licensing objective. These conditions impose specified noise levels and are therefore more prescriptive and more appropriate in a situation for a higher risk event where compliance with the licensing objectives are of concern.

We would of course respect and support the committee's decision to take more significant actions that are available to them should they consider that appropriate.

Suggested Additional Conditions:

PN5 All noise levels from music shall not exceed 55dB LAeq (15 minutes) at monitoring locations agreed in writing with the Licensing Authority.

PN6 The monitoring locations shall be agreed in writing with the Licensing Authority no later than 28 days before any event commences. These locations shall be representative of the noise levels experienced at the nearest domestic premises and shall be measured in free field conditions in the absence of other significant local noise sources.

PN 7 The Premises Licence holder shall appoint a competent noise consultant to monitor and record on site and off site music noise throughout the event to ensure compliance with noise levels required under PN5. All monitoring performed shall be made available to the Licensing Authority upon request. Such records shall be kept for a minimum of 3 months after any such event finishes.

Please tick yes

Have you made an application for review relating to the premises before?

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to the premises please state what they were and when you made them

N/A

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Date **14/12/2021**

.....

Capacity **Winchester City Council Environmental Health**

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Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.