

1. Apologies for Absence	There were no apologies for absence received.
2. Declarations of Interest	There were no declarations of interest.
3. Application	New Premises Licence
3.1 Application Reference	114244
3.2 Sub-Committee Members	Councillor Warren Councillor Sainsbury Councillor Joseph
3.3 Officers	Darren Dolby, Regulatory Officer Colin Miles, Lawyer – Legal Advisor to the Sub-Committee Dan Kalley, Senior Democratic Services Officer – Clerk to the Sub-Committee
3.4 Applicant	Mixology Music Limited
3.5. Nature of Application	<p><b><u>Application Type</u></b></p> <p>Application for a new premises licence.</p> <p><b><u>Authorisations and Times Applied For</u></b></p> <ul style="list-style-type: none"> <li>● Sale of alcohol for consumption on the premises only Monday to Sunday 10:00 to 23:00 New Years Eve 11.00 to 02.00</li> <li>● Provision of Films, Live and Recorded Music and Dancing Monday to Sunday 10:00 to 23:00 New Years Eve 10:00 to 02:00</li> <li>● Opening hours of premises Monday to Sunday 10:00 to 23:00 New Years Eve 10.00 to 02.00</li> </ul> <p><b><u>Summary of New Premises Licence Application</u></b></p> <p>In accordance with the Licensing Act 2003, following the submission of an application for a new premises licence for Mixology, Under the Orton Mere Parkway Bridge, Nene Park, Peterborough which had attracted representations in objection to the application, the Licensing Authority was required to hold a hearing.</p> <p>A summary of the issues raised by persons objecting to application included:</p> <ul style="list-style-type: none"> <li>● Increase in both vehicle and pedestrian movements near to and to or from the premises</li> <li>● Premises was near to a river and therefore potential for accidents to occur if people access the water.</li> <li>● Increase in disturbance and noise pollution for local residents from the premises</li> </ul>

	<ul style="list-style-type: none"> <li>• Increase in anti-social behaviour, fuelled by alcohol, from customers of the premises.</li> <li>• The number of events that could take place at the premises due to the 7 days a week licence request.</li> <li>• Premises would be near to a conservation area within Nene Park.</li> <li>• Potential for overcrowding from persons attending the vicinity of the premises without a ticket.</li> <li>• Concerns re accessibility of premises for emergency services vehicles</li> </ul> <p>A summary of matters raised from the representations in favour of the application being granted :</p> <ul style="list-style-type: none"> <li>• The initial event ('Under') will finish at 10pm so would not be a late night event</li> <li>• The initial event would be something that people would look forward to attending after 18 months of restrictions during the pandemic</li> <li>• There wa a relatively low chance of disturbance to local residents owing to the location of the premises.</li> <li>• The initial event would be professionally managed by a reputable established company who would put in place comprehensive measures to mitigate concerns re disturbance, anti-social behaviour and customers safety.</li> <li>• The initial event would promote cultural diversity within Peterborough and put the City 'on the map' as a leading arts &amp; music area.</li> </ul>
3.6 Licensing Objective(s) under which representations were made	<ol style="list-style-type: none"> <li>1. The Prevention of Crime and Disorder</li> <li>2. The Prevention of Public Nuisance</li> <li>3. The Protection of Children from Harm</li> <li>4. Public Safety</li> </ol>
3.7 Parties/Representatives and witnesses present	<p><b><u>The Licensing Authority</u></b></p> <p>The Regulatory Officer, who presented the case on behalf of the Licensing Authority.</p> <p><b><u>Applicant</u></b></p> <p>The applicant Mixology Music Limited.</p> <p>The applicant's representatives were Cem Okzan and Dan Coshan.</p> <p><b><u>Other Persons</u></b></p> <p>Cllr Kirsty Knight, Lisa Borley, Carole Morris, Peter Hardingham and Simon Green.</p>
3.8 Pre-hearing considerations and any decisions taken by the Sub-Committee relating to ancillary matters	There were no pre-hearing considerations.
3.9 Oral representations	The Regulatory Officer addressed the Sub-Committee and outlined the main points with regard to the application. The key points raised in the address included the representation submitted against the application by local residents and that;

- There had been 9 objections and 48 emails of support. No responsible authority had made representations.
- The Councils Environmental Protection team had been in touch with the applicant and conditions had been attached to the application.
- Section 7 outlined the main points of the application and outlined the conditions that had been agreed by the applicant

**Applicant – Mixology Music Limited, represented by Cem Okzan and Dan Coshan**

The applicant Cem Okzan and representative Dan Coshan on behalf of Mixology Music Limited addressed the Sub-Committee. The key points raised during their address, and following questions from the Sub-Committee were as follows:

- Mixology Music Limited had a long history of running events similar to those being applied for. The applicants wanted to run a well managed and safe event. There was no interest in running illegal events.
- The preferred outcome from the hearing was to get a licence and run a few events a year. The event management plan answered a lot of concerns that had been raised by residents
- The applicants only wanted to run events three to four times a year. This fitted around the current applicants' schedule of running a restaurant and pub.
- There had been further talks about opening up the area identified and running Christmas markets or food markets throughout the year.

**Other Persons – Cllr Kirsty Knight**

Cllr Kirsty Knight addressed the Sub-Committee. The key points raised during their address, and following questions from the Sub-Committee were as follows:

- The concern for local residents was the location of the event. There was possible damage to the natural environment. Local wildlife would be disrupted.
- The Nene River could be dangerous and hearing about recent deaths in the UK due to drowning was worrying, especially as alcohol was being served at the proposed event.
- There were concerns over how the emergency services would be able to access the event in case of emergency. The proposed event was a long way from the car park.

**Other Persons – Lisa Borley**

Lisa Borley addressed the Sub-Committee. The key points raised during her address, and following questions from the Sub-Committee were as follows:

- The main concern was around noise nuisance. A few weeks ago there was an event which took place near the proposed venue, and the noise was heard and quite loud. There was a worry that a music event would be even louder.
- A ten-hour event was a long time for residents to have to put up with loud music. The music at these events would have high bass levels and would provide a distraction to local residents. It would also be hard to mitigate and drown out bass notes.
- If this was to be a one-off event, or possibly three to four times a year,

this was tolerable. If this was the applicants aim then it would be good to state this as a condition of the licence.

- Residents were concerned over potential anti-social behaviour. Due to the nature of the event, there might be loud and aggressive customers and it might be difficult for security to move people away from the venue.
- There would be a challenge for security staff if there were fights especially near the river. There was also the potential for large amounts of litter to build up around the venue.
- With the event being so close to the water any intoxicated individual may get too close and fall in.
- The Council could face a number of investigations if they granted the licence and an incident occurred.
- Although there had been several positive comments these were not necessarily from local residents and could be from people who lived outside the city.
- In the first instance it would be better to grant the licence for a one-off event and see how that went.

#### **Other Persons – Carole Morris**

Carole Morris addressed the Sub-Committee. The key points raised during her address, and following questions from the Sub-Committee were as follows:

- The main concern related to the venue. The Peterborough Telegraph had stated that this was an underutilised area with no footpaths, however the cycle route 63 passed through the proposed location of the event. There was also a second footpath that gave access to the boating lake running through the location. Many people regularly exercised around that area, this was a busy thoroughfare and a lot of people used this for going to and from work. In addition, children used the paths to go to and from school.
- There were also issues around river traffic, there were mooring berths next to the proposed venue and a number of anglers used this area to fish in the river. It was questionable as to whether the applicants were allowed to block those paths off to hold an event.
- Another concern was over the local wildlife, a close neighbour was a keen photographer and had taken photos of Kingfishers in the area, this was a protected species and were most likely using this area for nests.
- There were also concerns over the lack of public toilet facilities and parking leading to issues.
- The potential continuous noise could affect the local residents.
- The committee needed to decide if the granting of the licence was appropriate bearing in mind that the pathways would be blocked and therefore how was access going to be granted for the use of the pathway, there was no other route to get to the boating lake.

#### **Other Persons – Peter Hardingham**

Peter Hardingham addressed the Sub-Committee. The key points raised during his address, and following questions from the Sub-Committee were as follows:

- This area was used regularly for walking. The main objections were based on amenity and environmental grounds.

- The best outcome was for the proposal to not go ahead. The issue was that if granted the applicant could hold events on every day of the year if they so wished. It had not mattered what Mixology said in terms of the number of events they proposed to hold there were no limitations as the application stood at the current time.
- There was no reason why mixology could not go along with the proposal for a few events a year as they had stated that they only wanted it for a few times a year.
- There were better facilities down on the embankment that the applicant could use.
- A big part of the objection was the disruption to wildlife in the area and the issues around access.
- If the application was to be granted it needed to have strict limitations applied.

### **Summing Up**

The applicants responded and summed up key points with regards to the application, including.

- The concerns around the event were appreciated. Previous to this meeting going ahead the applicants had offered to hold mediation sessions to try and overcome any of the concerns the local residents had.
- There was an event management plan in place which outlined ways the applicant was going to deal with concerns raised. There was an element of trust involved with anything new such as this proposal.
- The applicants wanted to reassure residents that the events were few and far between and the last event was quite a few years ago on the Peterborough Embankment.
- There would be a maximum of four events a year and would be willing to agree this as a condition.
- The use of the words underutilised was used by the Peterborough Telegraph and was not stated by the applicants at any point. Under the bridge itself was underutilised there was no footpath proposed to be closed off. The event would take place underneath the arches of the bridge and would not impact any footpaths.
- There would be staggered entrance times to help manage the flow of people. No food or drink could be brought into the event and likewise no food or drink could leave the event.
- There would be a dedicated security team and marshals on the bridge to monitor customers. A lot of thought had been put into the event management plan.
- The reason for choosing under the bridge was that it was not likely to have an impact on any wildlife or plants.
- It was impossible to stop people jumping off the bridge, however plans were in place to help mitigate this. Barriers would be put in place and security would make sure all areas were covered.
- With regards to the noise levels there was a plan with the event management plan and the applicant would work within legal limits of what was permissible.
- The applicants did not want to impede on any of the resident's day to day living. The event management plan looked at the decibel levels and surge frequencies and would be adjusted to make sure the bass would not disturb residents wherever possible. Work had been carried out with the noise pollution team to lessen any impacts to residents.

	<ul style="list-style-type: none"> <li>• The two car parks in Orton Mere would be used for the event and would take five to six minutes to walk to the event. The footpaths would be lit.</li> <li>• The security team would not leave the site until every person had left the event. In addition, there would be an entrance and exit system in place and would be marshalled.</li> <li>• There was the provision for toilets and much more detail on concerns that had been put forward.</li> </ul>
<p>3.10 Written representations and supplementary material taken into consideration</p>	<p><b><u>Applicant</u></b></p> <p>Consideration was given to the application for a Premises Licence, attached to the Sub-Committee report.</p> <p><b><u>Other Persons</u></b></p> <p>Consideration was given to the representations made by the other persons present at the hearing.</p>
<p>3.11 Facts/Issues in dispute</p>	<p><b><u>Issue 1</u></b></p> <p>Whether the premises licence application would further support the 'Prevention of Crime and Disorder' Licensing Objective.</p> <p><b><u>Issue 2</u></b></p> <p>Whether the premises licence application would further support the 'Prevention of Public Nuisance' Licensing Objective.</p> <p><b><u>Issue 3</u></b></p> <p>Whether the premises licence application would further support the 'Protection of Children from Harm' Licensing Objective.</p> <p><b><u>Issue 4</u></b></p> <p>Whether the premises licence application would further support the 'Public Safety' Licensing Objective.</p>
<p>4. Decision</p>	<p><b>The Sub-Committee listened to all the evidence put before it and also took into account the contents of the application and all representations and submissions made in relation to it. The Sub-Committee found as follows:-</b></p> <p>The Sub-Committee considered the representations made in objection as follows:</p> <ul style="list-style-type: none"> <li>• Increase in vehicular and pedestrian traffic</li> <li>• Dangers posed by being so close to the River Nene</li> <li>• Alcohol fuelled anti social behaviour</li> <li>• Increase in noise disturbance</li> <li>• Near to a conversation area</li> <li>• Accessibility for emergency vehicles</li> </ul>

- Adverse effect on wildlife
- Inappropriate location as a country park
- Insufficient facilities for party goers
- Insufficient parking facilities
- People lingering after the event

The Sub-Committee believed that these were not relevant to the application under the Licensing Act 2003.

The Sub-Committee believed that the operating schedule and the additional conditions offered during the mediation process satisfied the licence objectives.

Therefore, the application for a licence for the premises, known as Mixology Under the Orton Mere Parkway Bridge, Nene Park, Peterborough was **GRANTED**.

Any party in objection to the decision may appeal to the Peterborough Magistrates Court within 21 days.

Chairman  
Start 1:30pm – End 2.35pm