

LICENSING ACT 2003 SUB COMMITTEE		AGENDA ITEM No. 3
5 JULY 2010		PUBLIC REPORT
Contact Officers:	Adrian Day, Licensing Manager Darren Dolby, Licensing Regulatory Officer	Tel: 454437 Tel. 453561

APPLICATION: NEW PREMISES LICENCE

APPLICANT: Nene Park Trust

REFERENCE NO: 059387

PREMISES: Specified area of Ferry Meadows Country Park, Peterborough, PE2 5UU

GLOSSARY OF TERMS: Attached at **Appendix A – Page 6**

1. PURPOSE OF REPORT

1.1 To consider and determine this application for a new premises licence for a specified area of Ferry Meadows Country Park, Peterborough taking into account the representations received from local residents as detailed in paragraph 4 of this report.

2. BACKGROUND INFORMATION

2.1 This application refers to the main meadow areas and car parking areas of Ferry Meadows Country Park. The park is an open access public green space. The specific area relating to this application can be seen on the map at **Appendix B – Page 9**. The proposed licensable area does not include any buildings nor does it relate to the Caravan Club area.

3. AUTHORISATIONS AND TIMES APPLIED FOR

- **Plays – Indoors and Outdoors**
 - Monday to Sunday 08.00 to 22.00
- **Films – Indoors and Outdoors**
 - Monday to Sunday 08.00 to 22.00
- **Indoor Sporting Events**
 - Monday to Sunday 08.00 to 22.00
- **Live and Recorded Music – Indoors & Outdoors**
 - Monday to Sunday 08.00 to 22.00

- **Performances of Dance – Indoors & Outdoors**
 - Monday to Sunday 08.00 to 22.00
- **Anything of a similar description other than Live & Recorded Music or Performances of Dance – Indoors & Outdoors**
 - Monday to Sunday 08.00 to 22.00
- **Provision of facilities for making music and dancing – Indoors and Outdoors**
 - Monday to Sunday 08.00 to 22.00
- **Provision of facilities for entertainment of a similar description to that falling within the provision of facilities for making music and dancing – Indoors and Outdoors ***
 - Monday to Sunday 08.00 to 22.00
- **Hours premises are open to the public**
 - Monday to Sunday 24 hours a day

4. APPLICATION

- Please refer to the application attached at **Appendix C – Page 11**. There is no application for a licence to sell alcohol at the premises.
- Representations were received from a total of 7 local residents in their capacity as Interested Parties. A petition letter containing 5 signatories was also received. A plan indicating the locations of these interested parties in relation to the premises is attached at **Appendix D – Page 57**.
- Part P of the application sets out the applicant’s proposed conditions under the licensing objectives The Prevention of Public Nuisance, Public Safety, Prevention of Crime and Disorder and Protecting Children from Harm. These are also contained within the body of the report (in section 7) and, in accordance with Para 5.67 of the Guidance have been translated into clear and understandable conditions consistent with the proposals in the Operating Schedule.
- No representations have been received from any of the Responsible Authorities i.e. Cambridgeshire Constabulary, Cambridgeshire Fire and Rescue Service, Peterborough City Council Planning Department, Peterborough City Council Health & Safety Department, Peterborough City Council Children’s Services, Peterborough City Council Environmental Pollution Team and Peterborough City Council Trading Standards Department.

5. INTERESTED PARTIES

LICENSING OBJECTIVE:	REPRESENTATIVE:
Public Nuisance	Interested Parties – Local residents
Crime and Disorder	Interested Parties – Local residents

5.1 'Interested Party' is defined as:-

- a person living in the vicinity of the premises
- a body representing persons living in that vicinity
- a person involved in the business in that vicinity
- a body representing persons involved in such a business
- a member of the relevant licensing authority

5.2 Summary of issues raised

- i) Potential increase in noise due to excessive levels of music and amplified speech at the premises.
- ii) Potential excessive number of music events at the premises.
- iii) Traffic / Parking issues in and around the premises
- iv) Anti Social Behaviour from increased persons attending the premises for events
- v) Litter at the premises from persons attending events
- vi) Detrimental impact on wildlife at the premises due to an increase of activity.

6. MEDIATION

6.1 Mediation was not attempted by the licensing authority. This was due to the applicant's consultation with local residents prior to submitting the application. This consultation included the applicant attending local residents meetings and letter dropping in the local area.

7. APPLICANT'S PROPOSED CONDITIONS UNDER THE LICENSING OBJECTIVES:

7.1 Prevention of Public Nuisance

Receptacles for waste shall be emptied regularly to minimise nuisance smells.

Written approval from the Licensing Authority shall be sought at least 28 days prior to the use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas

Any request by an authorised officer of the Council in relation to reducing noise levels shall be complied with

A person nominated by the premises licence holder shall be responsible for monitoring noise levels and instructed to implement changes in noise levels in accordance with any request by an authorised officer of the Council immediately and ensure that volume is maintained at the reduced level.

No amplified sound (including public announcements) in connection with the event shall continue beyond the permitted hours of the entertainment

7.2 Prevention of Crime & Disorder

The premises licence holder shall be responsible for prevention and disposal of waste on the frontage of the premises and make provision for the emptying of litter bins in the vicinity of the premises

The premise license holder shall not participate or encourage fly posting of events or the venue and any leaflet distribution shall be managed in such a way as to prevent litter

Lighting shall be provided outside the premises (and in the private car park) during the hours of darkness when any licensable activity takes place on the premises

No drinks shall be sold in glass bottles within the licensable area.

7.3 Public Safety

A fire risk assessment required under the Regulatory Reform (Fire Safety) Order 2005 (as amended) will be completed and be available for inspection by an authorised officer.

Access for emergency vehicles shall be kept clear and free from obstruction

An adequate and appropriate supply of first aid equipment and materials shall be available on the premises

Valid public liability insurance shall be kept in force and a copy of the schedule shall be available for inspection by an authorised officer on request.

Prior notification of 28 days shall be given to the Licensing, Health & safety and/or Fire Authority in relation to the use of any of the following special effects:

- Dry ice machines and cryogenic fog.
- Smoke machines and fog generators.
- Foam cannon/snow machine.
- Pyrotechnics, including fireworks.
- Real flame.
- Firearms.
- Motor vehicles.
- Strobe lighting.
- Explosives and highly flammable substances.
- Lasers; (see *HSE Guide The Radiation Safety of lasers for display purposes [HS(G)95]* and *BS EN 60825; Safety of laser products*)

Safety checks will be carried out before the admission of the public and details of such checks are to be kept on file for licensable activities.

8. POLICY & GUIDANCE IMPLICATIONS

8.1 The following sections/paragraphs are applicable to this application:

8.2 Council's Statement of Licensing Policy

- Objectives, Section 4 on Page 8
- Fundamental Principles, Section 6 on Page 9
- Licensing Hours, Section 8 on Page 12
- Children and Licensed Premises, Section 9 on Page 12 to 14
- Licence Conditions, Section 13 on Page 16 and 17
- Delegation / Decision Making / Administration, Section 16 on Page 18 and 19

8.3 Guidance Issued under Section 182 of the Licensing Act 2003

- The Licensing Objectives – Public Nuisance, Section 2 pages 21 to 23
- The Licensing Objectives – Crime and Disorder, Section 2 Pages 16 to 19
- Determining applications – Section 9 pages 66 to 70
- Pools of conditions – Annex D page 117 to 133

9. LICENSING OFFICER'S COMMENT (FOR INFORMATION)

9.1 Regulation 19(a) requires authorities to disregard any information given by a party or person that is "not relevant" to the application.

9.2 Members should note that the letters attached are in their entirety and that not all matters raised within the representations are relevant matters for consideration under the Licensing Act 2003. It is up to the Committee to decide upon what 'weight' they attach to these areas

10. LEGAL OFFICER'S COMMENTS

10.1 The Licensing Authority (hereafter referred to as "the Council) is charged with implementing the provisions of the Licensing Act 2003. This is an application for a new licence made under Section 17 of the Licensing Act.

10.2 In this case, application was received at these offices on 19th May 2010.

10.3 The application before this committee will be treated on its own merits, and the Licensing committee will make its decision based upon

- The merits of the application
- The promotion of the four licensing objectives
- The statement of policy of the Licensing Authority
- The Guidance issued by the Secretary of State for Culture, Media and Sport on 28 June 2007 under section 182 of the Licensing Act 2003.

10.4 The licensing authority may determine the application, depending upon what is necessary for the promotion of the licensing objectives, in any of the following ways:

- Decide to grant the licence in the same terms as it was applied for
- Decide to grant the licence, but to modify or add conditions (to promote the licensing objectives)
- Exclude from the scope of the licence a licensable activity
- Decide to refuse to grant the licence

10.5 Conditions are modified if they are altered, omitted or any new condition added (Section 35(4) Licensing Act 2003).

Note: In this document, the following definitions are included to provide an explanation of certain terms included in the Act. In some cases they are an abbreviation of what is stated in the Licensing Act 2003 or an interpretation of those terms. For a full definition of the terms used, the reader must refer to the Licensing Act 2003.

‘Child’

(a) means an individual aged under 16

(b) a child is unaccompanied if he is not in the company of an individual aged 18 years or over

DCMS: Department for Culture Media and Sport

‘Designated Premises Supervisor’ means the person (who must be a Personal Licence Holder), in the case of premises selling alcohol, who will normally have been given the day to day responsibility for running the premises by the holder of the Premises Licence or will be the Premises Licence holder.

‘Interested parties’:

- a person living in the vicinity of the premises in question;
- a body representing persons living in that vicinity, e.g. a residents association;
- a person involved in a business in the vicinity of the premises in question;
- a body representing persons involved in such a business e.g. a trade association.
- a member of the relevant licensing authority

‘Late Night Refreshment’ means the supply of hot food or hot drink to members of the public (whether for consumption on or off the premises) between the hours of 11.00 pm and 5.00 am.

‘Licensable Activities’ means: -

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of Regulated Entertainment
- The provision of Late Night Refreshment

‘Licensing Authority’: - is the licensing function of Peterborough City Council

‘Licensed Premises’ includes club premises and events unless the context otherwise requires.

‘Licensing Objectives’

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

‘Operating Schedule’ means a document containing a statement of the following matters (and any others that may be prescribed): -

- The relevant Licensable Activities
- The times at which the Licensable Activities are to take place and any other times when premises are open to the public
- Information regarding the person who will be specified in the Premises Licence as the Premises Supervisor
- Where the Licensable Activities involve the supply of alcohol, whether it is for the supply on and/or off the premises

- The steps being taken to promote the Licensing Objectives

‘Rateable Value’: as regards a premises, is the value for the time being in force for the premises entered in the local non-domestic rating list for the purposes of Part III of the Local Government Finance Act 1988(b).

‘Regulated Entertainment’ (Schedule 1 of the Act) means: -

- A performance of a play
- An exhibition of a film
- An indoor sporting event
- A boxing or wrestling entertainment
- A performance of live music
- Any playing of recorded music
- A performance of dance

Or entertainment of a similar description falling within the last three of the categories listed above, where the entertainment takes place in the presence of and for the purposes of entertaining that audience or spectators.

Or the provision of entertainment facilities:

Facilities for enabling persons to take part in entertainment of the following description for the purpose or purposes, which include the purpose of being entertained:

- making music
- dancing
- entertainment of a similar description

‘Relevant Licensing Authority’: is the Authority in the area the premises are situated.

‘Responsible Authority’ means any of the following: -

- Cambridgeshire Constabulary (The Chief Officer of Police)
- Cambridgeshire Fire and Rescue (The Fire Authority)
- Health and Safety Team, Peterborough City Council
- Planning authority, Peterborough City Council
- Trading Standards, Peterborough City Council
- Environmental Health – Pollution, Peterborough City Council
- Children’s Services – Child Protection & Review Manager
- Maritime & Coastguard Agency, Walton on Naze. (For vessels carrying more than 12 passengers.)
- Environment Agency, Peterborough (For vessels carrying 12 or less passengers).

‘Supply of alcohol’:

- the sale by retail of alcohol, or
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club.

‘Temporary Event Notice’ means a Permitted Temporary Activity involving one or more Licensable Activities subject to the following various conditions and limitations: -

- Duration – they are limited to events lasting for up to 96 hours;
- Scale – they cannot involve the presence of more than 499 people at any one time;
- Use of the same premises – the same premises cannot be used on more than 12 occasions in a calendar year, but are subject to the overall aggregate of 15 days irrespective of the number of occasions on which they have been used; and

- The number of notices given by an individual within a given period of time – a Personal Licence Holder is limited to 50 notices in one year and another person to 5 notices in a similar period.

(In any other circumstances, a full Premises Licence or Club Premises Certificate will be required for the period of the event).

‘the Act’: means the Licensing Act 2003

‘Vicinity’: Given the normal everyday meaning of being ‘near to’ when considering the relevance of representations received from individual’s residence or business.

Licensing Act 2003\glossary of terms 13 March 2007