



Decision Notice

Date	Monday, 17 May 2021 – 10:00am
Applicant	Live Nation (Music) UK Ltd
Reason for Hearing	<p>The Licensing Authority had received an application for the grant of a Premises Licence at Lytham Hall Event Site, Ballam Road, Lytham St Annes, FY8 4JX.</p> <p>There had been representation from an “other person” and as such the panel had to determine the application.</p>
Parties in attendance	<p>Panel:</p> <p>Councillor Shirley Green - Convenor, Councillor Gavin Harrison, Councillor Matthew Lee.</p> <p>Applicant:</p> <p>Daniel Cuffe Peter Taylor Phil Crier – PBC Solicitors on behalf of the applicant</p> <p>Other Persons:</p> <p>Ms K Hamnett and Mr D Goodman.</p>

The licensing authority had received an application for the grant of a premises licence at premises known as Lytham Hall Event Site in Lytham.

The application had been referred to the panel because seventeen written representation had been received from “other persons” as defined by the Act objecting to the application. One of these representations had been withdrawn. Two of those who had submitted representations were present at the hearing. Eleven representations had also been received in support of the application.

The applicant was represented by Phil Crier of PBC Solicitors. Daniel Cuffe and Peter Taylor, of the applicant company, were also in attendance and addressed the panel, alongside Joe Robinson, the Senior Event Manager for the applicant.

Observing proceedings was Councillor Alan Clayton, the reserve member of the panel and Councillor Ray Thomas, who was in attendance for training purposes. Neither participated at any point in the hearing.

The panel thank the representatives for their time and representations.

In considering the application, the panel had to consider whether granting the licence would promote the four licensing objectives which were:

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

The panel acknowledged and took into consideration all of the written material contained in the agenda papers together with the verbal submissions offered by Ms Hamnett and the applicant. The Panel also had regard to the Council's Statement of Licensing Policy and the Guidance issued under section 182 of the Licensing Act 2003.

[Mr D Goodman, who attended the meeting, was unable to participate due to technical issues. His written submission, which was contained in the agenda, was read to the meeting.]

The concerns of the "other persons" mainly involved the potential increase in noise within the vicinity of the premises and parking. As such, the prevention of public nuisance objective was engaged.

The panel felt that concerns relating to parking in the surrounding area could not be considered by the licensing panel as traffic management did not fall within any of the licensing objectives. However, the panel noted that the applicant had in any event addressed those concerns as submitted in representations, in that there was a comprehensive traffic management plan in place and that no parking, or access to the venue, with the exception of emergencies, would be available from Forest Drive.

With regards to potential increase in noise within the vicinity of the premises, the panel was reassured by the submissions of the applicant that ample measures had been put in place to ensure that the noise would not unduly impact neighbouring residents including utilising acoustic consultants and the additional conditions that had been agreed with the Police and Environmental Protection.

This also included the provision of a manned telephone number will be provided to local residents on their website, at least two weeks prior to the event taking place.

In any event, the panel felt that there was little or no evidence to substantiate any of the concerns about any of the objections at this stage.

The panel's decision is as follows:

To grant the application for a premises licence at Lytham Hall Event Site, Ballam Road, FY8 4JX applied for, with the addition of the conditions as set out in the agenda papers that had been agreed between the applicant and the police and Environmental Health prior to the panel hearing being:

- a. Only polycarbonate or other non-glass vessels will be used to dispense beverages to customers in the general admission area. Glass vessels may be used in the VIP area only and are not be removed from said area.
- b. CCTV equipment shall be installed and maintained in good working order in accordance with the manufacturer's instructions. All entrances, exits and bar areas to be covered by the system and, where practicable, additional cameras located in other public areas of significant activity within the premises. The system shall record images of the head and shoulders of all persons entering the premises for identification purposes.
- c. Images shall be retained in unedited form for not less than 21days.

- d. A staff member who is conversant with the operation of the CCTV system shall be on the premises when open to the public. This staff member shall be able to show recent data or footage with the absolute minimum of delay when requested to by a Police Officer or Local Authority enforcement officer/authorised person.
- e. During any event that involves licensable activities being carried on under the authority of this premises licence, no nuisance shall be caused by noise coming from the premises or by vibration transmitted through the structure of the premises.
- f. During any event that involves licensable activities being carried on under the authority of this premises licence, there shall be no emission from the premises of any offensive smells, which are likely to cause a nuisance.
- g. During any event that involves licensable activities being carried on under the authority of this premises licence, no light from or on the premises and any other light under the control of the premises shall be provided where that light causes a nuisance to any nearby premises.
- h. The Front of House limit shall be set at a guideline level of up to 98dB (15 minutes) and noise levels shall be monitored at the agreed monitoring locations during the event to ensure that any nuisance is avoided and if necessary, the level be reduced at the Front of House Position.
- i. During any event that involves licensable activities being carried on under the authority of this premises licence, the Music noise level should be measured using an integrating-averaging sound level meter with type 2 or better of BS6698. The Background noise level should be measured using a sound level meter complying with type 2 or better of BS5969. Time weighting F (fast response)
- j. During any event that involves licensable activities being carried on under the authority of this premises licence, the Premises Licence Holder shall provide electronic sound limiters fitted to audio equipment which can be pre-set to a given level, which level shall be reasonably determined from time to time by an authorised officer of the Licensing Authority.
- k. At least four weeks prior to any event that involves licensable activities being carried on under the authority of this premises licence, the licensee shall appoint a suitably qualified and experienced noise control consultant, to the reasonable approval of the Licensing Authority. The noise control consultant shall liaise between all parties including the Licensee, Promoter, sound system supplier, sound engineer and the licensing authority etc. on all matters relating to noise control prior to and during the event.
- l. If not already carried out, the noise control consultant shall carry out a survey to determine the background noise levels (as defined by the Code of Practice on Environmental Noise Control at Concerts) at agreed locations around the venue representative of the noise sensitive premises likely to experience the largest increase in noise/highest noise level as a result of the concert. The information obtained from this survey shall be made available to the licensing authority four weeks prior to the event.

- m. During any event that involves licensable activities being carried on under the authority of this premises licence, the appointed noise control consultant shall continually monitor noise levels at the sound mixer position and advise the sound engineer accordingly to ensure that the noise limits are not exceeded. The Licensing Authority shall have access to the results of the noise monitoring at all times.
- n. The Premises Licence Holder or their representative shall ensure that the promoter, sound system supplier and all individual sound engineers are informed of the sound control limits and that any reasonable instructions from the noise control consultant regarding noise levels shall be implemented.
- o. A noise propagation test shall be undertaken at least four hours prior to any event that involves licensable activities being carried on under the authority of this premises licence in order to set appropriate control limits at the sound mixer position. The sound system shall be configured and operated in a similar manner as intended for the event. The sound source used for the test shall be similar in character to the music likely to be produced during the event.
- p. Any regulated entertainment which takes place outdoors will terminate no later than 23:00.
- q. Clear, legible and conspicuous notices shall be displayed at each public exit requesting patrons to avoid causing noise, nuisance or disturbance upon leaving the premises.
- r. During any event that involves licensable activities being carried on under the authority of this premises licence, there will be a mobile telephone number which is designated as a number specifically for noise complaints. The mobile telephone which corresponds with said number will be attended to by a noise co-ordinator through the duration of the event.
- s. Within 24 hours from the end of an event that involves licensable activities being carried on under the authority of this premises licence, any loose debris or litter on the premises or in the immediate vicinity of the premises shall have been cleared.
- t. During and after any event that involves licensable activities being carried on under the authority of this premises licence, waste will be stored in sealable containers and will be removed from the site by a suitably accredited agent.

The following conditions to be removed from the operating schedule:

- 1. Only toughened glass vessels or polycarbonate vessels, where available, shall be used to dispense beverages to customers.

That is our decision and we thank you for your assistance.