



Decision Notice

Date	Monday, 4 th December 2023 – 10:30am
Applicant	Live Nation (Music) UK Ltd
Reason for Hearing	<p>The Licensing Authority had received an application for the grant of a new Premises Licence for Lytham Festival Event Site, Lytham Green, Lytham.</p> <p>There had been representation from “other persons” and as such the panel had to determine the application.</p>
Parties in attendance	<p>Panel:</p> <p>Councillor Sandra Pitman - Convenor, Councillor Martin Evans, Councillor Viv Willder.</p> <p>Applicant:</p> <p>Philip Kolvin KC – representing the applicant, Live Nation (Music) UK Ltd Phil Crier (PBC Licensing Solicitors), Daniel Cuffe, Joe Robinson and Peter Taylor were also present on behalf of the applicant.</p> <p>Other Persons:</p> <p>A number of the persons who had made representations against the application were represented by Simon Newell and a further number by Andy Carr. The following persons who had made representations against the application also addressed the panel:</p> <p>John Barker (acting on behalf of Glengarry Management Company (Lytham) Ltd., Cath Powell MBE, Peter Charlesworth, Jane Russell, Tony May.</p> <p>The following persons who had made representations in favour of the application also addressed the panel:</p> <p>George Lye, Stuart Robinson, Neil Baynton-Roberts, Wendy Swift, Kurt Czarnotta.</p>

This hearing is the second time in nine months that a licensing panel of Fylde Borough Council has been asked to decide on an application for a premises licence for Lytham Festival. The existing licence was granted following a hearing in April this year. At the April hearing, the most significant issue was the maximum number who should be permitted to attend the festival. The applicants had asked for¹ a maximum capacity in 2023 of 22,500 on the Friday and Sunday of the festival and 19,999 on every other day, with the maximum capacity increasing to 24,999 on each night of the festival from the 2024 event onwards. The panel at the April hearing agreed to the changes in capacity sought for 2023, but did not agree to any changes for 2024 and beyond, which therefore remains at 19,999. All capacity limits were to be subject to the safety advisory group for the festival not recommending a lower capacity.

The starting point for the present application is therefore that the maximum permitted capacity for each night of the festival for 2024 and beyond is 19,999. The present application, if granted, would increase the maximum number of people who could attend the festival on any night to 25,000.

The application attracted a representation by Lancashire Constabulary, which sought the imposition of a number of conditions relating to security. The applicants agreed to those conditions, which were set out in the agenda papers for the panel. Lancashire Constabulary did not attend the hearing and the application did not elicit any representations from any other responsible authorities.

Representations from “other persons”, totalling 222 in number were received, of which 103 were opposed to the application. We read all of the representations, which were set out in our agenda papers. We also read the supplementary material that had been submitted by the applicant. We listened carefully to everything that was said at the hearing. The hearing was held remotely via Zoom and was livestreamed and remains available for any interested party to view on YouTube via a link on the Councils website. Facilities at the Town Hall were provided for any person to access or view the remote meeting.

As would be expected, given that the previous application had been heard and decided so recently, many of the observations made by the April panel in their decision remain relevant and are also our observations. We set out those passages below:

[T]he major concerns of the majority of those who objected to the application were not what went on within the festival site during the time the festival was held, but the impact on the community of Lytham of such a large number of people arriving for the festival, accessing it and leaving it. Objections highlighted issues around car parking, access to residential streets, the use of public spaces and private gardens as toilets and, in general, the impact of the festival on the day to day lives of local people and on some local businesses.

We understand those concerns. Lytham is a small town, with a population in the region of 9,000. Even without the increased capacity that the application seeks, during the festival there can be twice as many people in Lytham who are attending the festival as people who live there. There are many positive things about this. As the applicants and those who support the application pointed out, the festival has enhanced the profile of Lytham nationally, provides a significant boost to some local businesses (particularly those in the hospitality sector), and generally engenders local pride. Very few of those who objected expressed opposition to the festival per se. Many were careful to stress that their issue was only with the intended increase [in] the number of people who can attend.

We share the concerns about the effect on the community of an increase in the number of people who can attend the festival...It was clear from the evidence we heard that daily life for many in Lytham is made less convenient during the festival, and for some is made highly inconvenient. For many, getting access to their homes in a vehicle becomes something that

¹ The applicants had initially sought an across the board increase in capacity to 29,999 per night, but had amended their position by the time of the April hearing.

has to be planned for and even negotiated. For others, rowdiness and anti-social behaviour, even to the extent of the use of public and private open spaces for toilet provision, becomes a regular occurrence. Increasing the number of people visiting the Festival risks such problems getting worse.

[...]

The festival has been and continues to be a huge positive for Lytham. But it continues to have a very significant impact on the local community. The success of the festival depends in a sense on a partnership between the organisers and the local community, who accept the disruption that comes with the festival for the positives that it brings...

The April decision also set out in some detail why the panel had felt it appropriate to take into account the impact of the festival beyond the immediate area surrounding the festival site. We agree with their approach, and note that no party submitted to us that it was not appropriate in the particular circumstances of the festival to take that wider impact into account.

In reaching its decision, the April panel adopted a precautionary approach. It allowed an increase to 22,500 for two nights of the 2023 festival “*to be trialled...so that the decision on any further application for a permanent increase could be informed by the real-life experience of the two nights in 2023 to which the increase applies*”.

The issue to us seems to be one of balance. What is the right balance between the interests on one hand of the festival organisers in the success of their event and of the wider public who enjoy and benefit from it and, on the other hand, the interests of local people whose daily lives are disrupted by it? In particular, where is that balance to be struck in relation to the proposed increase from a capacity of 19,999 per night to a capacity of 25,000?

We understand that the increased capacity of 22,500 was reached on just one day of the 2023 festival. The proposed increase for 2024 and beyond would be double the amount of the 2023 increase. The extent to which the experience of the 2023 increase can be relied on to indicate the effect of the proposed 2024 increase is therefore limited.

While we heard no evidence that convinced us that the 2023 increase had had a substantial or unexpected impact, it seems to us that the disruption caused by traffic, parking, anti-social behaviour, noise and general nuisance must, as a matter of mathematics and common sense, increase with larger attendances at the festival, at least in the absence of successful mitigation measures. And the day to day impact of the festival even with a capacity of 19,999 is significant, as the passages quoted above from the April decision make clear.

We heard, and accept, that the applicants have sought and continue to seek to mitigate and limit many of the concerns and negative impacts of the festival on the locality. This has included improved traffic management plans, dedicated public transport facilities, increases in the number of toilet facilities available outside the arena and the production of a Resident and Business Guide that was hand delivered to residents and businesses in Lytham. The applicant submitted that further improvements would be in place for 2024 and these included a dedicated community liaison team, continuation of the community focus group, improved public transport covering a wider area, improved traffic management and more parking enforcement. We accept that many of these mitigations could not be delivered unilaterally by the applicant, but also that the applicant has a track record of working collaboratively and constructively with statutory and other agencies in relation to the festival.

The balance that we strike is to grant the increase in capacity applied for so far as it relates to Fridays, Saturdays and Sundays, but not for any other day comprised in a festival. We consider that the present size of the festival represents the limit of the adverse impact that the local community should have to accept on days when many need to get home from work and prepare to work the following day. The mitigations that the applicants have put in place are welcome and generally effective. But mitigations

can only go so far to lessen the impact of a very substantial event on a relatively small community. That is why an increase to 25,000 for each night, would in our judgment, be a step too far. We hope that our decision will ensure that residents are not further disrupted or inconvenienced any more than already experienced on week nights.

Similarly, the condition, already applied to the licence, that the capacity of the festival should be subject to approval by the Safety Advisory Group ('SAG'), would remain. We are confident that the SAG will thoroughly consider all the policies and procedures in place to ensure that the festival is well managed, within and outside the arena.

We also agree that the conditions agreed between the Police and the applicant are attached to the licence, and the condition offered by the applicant to deal with the finish time for the Sunday night.

Our decision is therefore:

To grant the licence as applied for, subject to conditions which limit the maximum attendance at each night of the festival to 19,999 except on Friday, Saturday and Sunday nights, to the mandatory conditions, to conditions reflecting the operating schedule, and the following conditions:

Conditions agreed between the Police and applicant:-

1. At all times that the premises are open to the public for licensable activities, all staff of the premises licence holder who are on-duty at the premises, including all door supervisors, and all on-duty festival managers must have completed Action Counters Terrorism (ACT) Awareness e-learning training.

In addition, a minimum of 1 on-duty manager and any on-duty security supervisor/manager must also have attended a Counter Terrorism (CT) Awareness session delivered by Counter Terrorism Policing North West (CTPNW) trained personnel prior to the event each year.

In addition, the premises licence holder will instruct all other contractors that it will be a requirement of their contract to ensure that all staff in their employ who will be working at the premises when licensable activities are taking place to undertake the ACT e-learning training.

2. The Designated Premises Supervisor or Operations Manager must have attended a CT Awareness training session delivered by CTPNW-trained personnel as soon as is reasonably practicable. In all cases, within 28 days of a new Designated Premises Supervisor being named on the licence, the individual or the Operations Manager for the event must have registered to attend a course and be able to provide evidence of this, if requested by a police officer or authorised officer of any responsible authority.
3. There must be a documented security assessment, which must incorporate counter terrorism measures for the premises. The assessment shall be routinely reviewed and must be reviewed following the elevation of the change of the national threat level. All reviews shall be documented.
4. Within 28 days of the grant or variation of the licence, the premises licence holder shall evaluate any risks identified through the security assessment and take prompt steps to eliminate them or to reduce the risk as far as is reasonably practicable when the event is held. A documented record must be maintained of any action implemented and made available upon request to a police officer or authorised officer of any responsible authority.
5. The premises must have a documented security plan, which sets out counter measures to be implemented in response to a terrorist attack in conjunction with government guidance, and the purposes of those procedures and the necessity of following them must be understood by

those carrying them out. The plan must be available for inspection upon request to a police officer or authorised officer of any responsible authority.

Condition offered by the applicant at the hearing:-

6. That the terminal hour for live music will cease at 10:30pm for the Sunday performance.

Thank you to all concerned in the hearing. That is our decision.