

Cotswold District Council
Application for a premises licence – submitted 24/02/2023
Licensing Act 2003
Applicant: Robomagic Live Limited

Applicant's written submission in response to representations

Introduction

This application is to obtain a licence to allow the provision of licensable activities so that events may take place at Worcester Park, within the Badminton Estate. In particular, this application is required for the planned Rod Stewart and the Who concerts in July 2023, which are to be the only events to take place under this licence this year.

The majority of the audience for these concerts will be seated, being allocated numbered seats on purchasing tickets. There is intended to be some standing area to the rear of the seated area and standing ticket holders will be invited to take seats if these remain available.

To assist the sub-committee, we have provided details of the seating plan and photographs taken at an earlier Elton John concert showing the seating layout. We have also included a copy of the site plan for the concerts from which it can be seen that part only of the proposed licensed area will be utilised in 2023 – the purpose of licensing the wider area is two-fold – to provide a degree of flexibility for future events but more importantly, to ensure that the conditions will apply to the wider site and not simply to the “arena area”.

Background

The applicant, Robomagic Live Limited, is a leading independent promoter of live entertainment in the UK and Europe, benefitting from industry experience going back to the 1970s. The founder of the company has worked with artists from Duran Duran, Dexie's Midnight Runners and UB40, to Leonard Cohen, Prince and the Black Eyed Peas and has helped bring international acts to the United Kingdom.

For the planned concerts at the Badminton Estate, the applicant has enlisted the expertise of The Event Umbrella, which is an events production company specialising in delivering event production solutions across a variety of sectors, from music and live entertainment to sporting and public events.

The legal considerations

When an application for a premises licence is made under the Licensing Act 2003 (LA2003), there is a presumption that the application will be granted, which is confirmed at paragraph 9.2 of the current Statutory Guidance issued under section

182 of the Licensing Act 2003 (the Guidance). This position is reflected in Cotswold District Council's Statement of Licensing Policy (the SOLP) at paragraph 3.3.

In cases in which no valid representations are received, the licence must be granted at the end of the 28-day consultation period subject only to such conditions as are consistent with the operating schedule. As has occurred in this case, the proposed conditions etc have been amended following mediation with Responsible Authorities (see below). This application has attracted representations from a significant number of local residents (and others such as Parish Councils) which have not been withdrawn and a hearing before the licensing sub-committee must therefore take place.

Under the Guidance, a local authority should generally take its lead from the relevant responsible authority. By way of example, paragraph 9.12 confirms that:

“The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective”

The representations

As mentioned above, in this case the applicant has successfully mediated with Gloucestershire Police (Stroud & Cotswolds Liquor Licensing), Wiltshire Council Environmental Control & Protection and Cotswolds District Council Environment Health, to agree revisions to the application. In the process, the applicant has also heeded concerns expressed by local residents, particularly regarding the number of events that might be authorised by the licence, the authorised activities and the permitted hours for entertainment in particular.

This mediation process has resulted in:

1. the number of licensable activities being reduced;
2. more stringent conditions being imposed: and
3. significantly, a cap on the number of events that may take place under this licence in any calendar year (being two in 2023 and three in subsequent years).

In this regard, please refer to the documents entitled “PL Submission” where the changes are set out in the tracked version and the “end result” in the clean version.

As the above-mentioned matters were agreed, the relevant representations were withdrawn and consequently there are now no existing representations from any responsible authority within the licensing authority.

The remaining representations are all from interested parties but no information has been provided about where any individual resident lives.

The role of the safety Advisory Group (“SAG”)

Members will of course be aware that the plans for any substantial event are referred to a SAG for scrutiny. The SAG is made up of officers of the Licensing Authority, the Police, Fire Authority, the Ambulance Service, Environmental Health, Legal Department and the Highway Authority.

Given the specific location of the application site, situated as it is within Cotswold Council’s area but bordering both Gloucester and South Gloucester and close to Stroud Council’s area, the SAG for these proposed events has included officers from outside the Cotswold area.

The role of the SAG is to scrutinise not only the licence application itself but the detailed event planning for each event and to advise/approve the plans.

The scrutiny continues even during and beyond the events themselves, principally to ensure the safety of not just those attending but also local residents and its remit extends beyond simply the four licensing objectives.

A considerable number of documents have been submitted to the SAG – please refer to the “Document Schedule” for details. In connection with this application, we have provided copies of the relevant documents to the Licensing Authority for circulation to all those who have made representations and to members. I trust that we may be forgiven for not having included every single document – quite apart from the fact that the total number of pages far exceeds 1,000, some contain sensitive information (such as specific details of security arrangements) and others are only of peripheral relevance to the four licensing objectives.

The Licence Application itself

As members will be aware, it is not appropriate to include very detailed conditions regarding the running of events within the Operating Schedule of the application. The salient point is that the proposed conditions require details to be scrutinised by members of the SAG, whom, with all due respect to members, have far greater expertise to consider whether the Event Management Plan (“EMP”) and all of its appendices are both appropriate and sufficient. Compliance with the EMP then becomes a condition of the licence.

It is submitted that this approach is correct and that members should take great comfort from the fact that the EMP has been scrutinised by not only responsible authorities as defined by the Licensing Act but also by others

The Representations (continued)

The relevant issues from these representations largely fall under the licensing objective of the Prevention of Public Nuisance, being potential noise pollution.

There also appears to be concern within the community about traffic and parking arrangements. While, strictly speaking, traffic and parking do not appear as a relevant issue in the Guidance, the applicant takes very seriously its obligations to provide a safe and responsible event, and has instructed We Are Stadium Traffic Management Limited, specialists in this field, to prepare a traffic management plan (TMP), a copy of which has been shared with the sub-committee and interested parties.

As can be seen, the TMP is a comprehensive and well-considered document, which has been prepared specifically for this site. It takes into account potential issues in the surrounding villages by providing advance warnings, controlled speed zones, no waiting zones and "Residents Access Only" streets.

To ensure the safety of pedestrians, manually controlled temporary traffic lights, which can facilitate the free flow of vehicles when there are no pedestrians, will also be used during events. Any emergency vehicles will also be assisted to pass through the roadways as easily as possible and as a priority.

Together, these measures will ensure that any disruption to residents or other road users by any event held under this licence will be kept to an absolute minimum, with safety of all road users a paramount priority.

Similarly, there is a detailed noise management plan and conditions relating to noise have been agreed with the relevant officers.

Representatives from the applicant, the Badminton Estate and others concerned with specific elements of the event planning will attend the hearing to answer any questions that members or other attendees might have.

Summary and Conclusion

Being able to draw on decades of experience in the industry, the applicant and those engaged by it to plan the proposed events well understand the potential concerns of residents and the responsible authorities. This is why the applicant has worked with the responsible authorities to tailor the application to reduce the scope and duration of any event and, in particular, to include further conditions specifically designed to promote the licensing objectives as perceived by the relevant responsible authorities. No evidence has been adduced to suggest otherwise and none of the responsible authorities submitted any representation.

Whilst we are confident that if the application were to be granted no issues would arise, might we take the opportunity to remind all concerned that should any of the licensing objectives (i.e. the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm) be undermined once any event takes place, any of the responsible authorities and any other interested party (including of course local residents) will be at liberty to make an application at any time (and without having to pay any fee) to have the licence reviewed.

Should such an application be made and should the Licensing Authority find that the premises failed to uphold any of the licensing objectives, it has a wide range of powers including ultimately revoking the licence.

Finally, the applicant is eager to both work with and re-assure local residents of its intentions for the operation of any event. These are planned to reflect and highlight the exclusive location of the Badminton Estate – these are not in any way intended to be “Glastonbury” style events but will be aimed at an older and more sophisticated clientele.

We therefore invite the sub-committee to grant this application.

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