

# DECISION NOTICE

**COMMITTEE:**

**Licensing Sub-Committee (Licensing Act 2003 and Gambling Act 2005)**

**DATE:**

**Tuesday, 19 June 2018**

**Premises:**

Witcombe Cider Festival, Fields Adjacent to M5 Motorway, 250m south of Pressmead Farm, Brockworth Road, Churchdown, GL3 4RA.

**Applicant:**

Joseph Pointon.

Application for a premises licence.

**Present:**

Councillors G F Blackwell, R E Garnham (Chair) and J Greening.

**Representatives of the Applicant:**

Andrew Cook – Independent Licensing Consultant for Easy Licensing.

John Dix – John Dix Travel.

Alan Lamb - Rugby for Heroes.

Danny Pointon – Event Manager.

Joseph Pointon – Applicant.

James Rankin - Licensing Barrister.

Dewi Scourfield – Health and Safety Event Co-ordinator.

Darren Simms – Sterling Security Solutions.

**Responsible Authorities:**

PC Nick Battye - Gloucestershire Constabulary Licensing Officer.

Rachel Bellak – Gloucestershire Constabulary Licensing Officer.

Gordon Buchanan – Tewkesbury Borough Council Environmental Health Manager.

Dave Collicott – Gloucestershire Constabulary Traffic Management and Road Safety Manager.

Michael Griffiths – Gloucestershire Constabulary Head of Legal Services.

PC Matt Hammond – Gloucestershire Constabulary Licensing Officer.

PC Richard Handley – Gloucestershire Constabulary.

Philippa Heath – Tewkesbury Borough Council Temporary Licensing Officer.

PC Steve Kiernan – Gloucestershire Constabulary Licensing Officer.

Alastair Low – Tewkesbury Borough Council Principal Environmental Health Officer.

PC Andy Robertson – Gloucestershire Constabulary.

Other Parties Addressing the  
Sub-Committee:

Councillor Ron Furolo – Brockworth Parish Councillor.  
Chair of Brockworth Parish Council.  
Vice-Chair of Brockworth Parish Council.  
Clerk to Brockworth Parish Council.  
Three local residents.

## SUMMARY OF REPRESENTATIONS

1. One responsible authority had made a representation in relation to the application: Gloucestershire Constabulary.
2. 14 valid representations had been received from members of the public: two representations in support of the application and 12 representations in objection to the application.
3. A late representation was received from Brockworth Parish Council which was accepted at the Chair's discretion. The Chair also allowed the Church Warden from St George's Church, Brockworth to speak even though his representation had been received out of time.

## THE APPLICATION

Relevant licensable activities and hours applied for:

Live Music or similar activity Amplified and Unamplified Music, Outdoor Music Will Cease at 23:00hrs	Friday	09:00 to 00:00
	Saturday	00:00 to 01:00, 09:00 to 00:00
	Sunday	00:00 to 01:00, 09:00 to 00:00
	Monday	00:00 to 01:00
Recorded Music or similar activity Recorded Music Will be Played Between Live Music Performances. Outdoor Music Will Cease at 23:00hrs.	Friday	09:00 to 00:00
	Saturday	00:00 to 01:00, 09:00 to 00:00
	Sunday	00:00 to 01:00, 09:00 to 00:00
	Monday	00:00-01:00
Performance of Dance or similar activity	Friday	09:00 to 00:00
	Saturday	00:00 to 01:00, 09:00 to 00:00
	Sunday	00:00 to 01:00, 09:00 to 00:00
	Monday	00:00 to 01:00
Late Night Refreshment	Friday	23:00 to 00:00
	Saturday	00:00 to 02:00, 23:00 to 00:00
	Sunday	00:00 to 02:00, 23:00 to 00:00
	Monday	00:00 to 02:00, 23:00 to 00:00

Supply of Alcohol	Friday	09:00 to 00:00
	Saturday	00:00 to 01:00, 09:00 to 00:00
	Sunday	00:00 to 01:00, 09:00 to 00:00
	Monday	00:00 to 01:00
Hours Premises Open to Public	Friday	09:00 to 00:00
	Saturday	00:00 to 02:00, 09:00 to 00:00
	Sunday	00:00 to 02:00, 09:00 to 00:00
	Monday	00:00 to 02:00

## DECISION

Having considered the application; the evidence provided; the representations made by all parties, including those made at the hearing; the four licencing objectives; the National Guidance; and the Council's Statement of Licensing Policy, it was resolved that the premises licence be **GRANTED** in accordance with the application set out, subject to the following amendments and conditions:

### AMENDMENTS AND ADDITIONAL CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AS AMENDED BY THE SUB-COMMITTEE

#### General

1. All mandatory conditions to be added to the licence.
2. All conditions proposed by the applicant at Pages No. 39-42 at Appendix 1 to the report be added to the licence, save for the following amendments at Page No. 40 under Prevention of Crime and Disorder:
  4. "Between the hours of 20:00 and closing-time on event days, the number of security officers shall be maintained at a minimum ratio of one security officer to 75 **patrons persons excluding staff and children under 12**"
  7. **~~A CCTV system shall be installed at the security checkpoint on the site in order to record images of patrons attending the event. A CCTV system shall be installed at the security checkpoint on the site in order to record images of persons attending the event. In addition a minimum of five SIA door staff shall be equipped with body cams, one of whom shall be permanently positioned in the main marquee.~~**  
Recordings shall be retained for a minimum of two weeks and shall be made available to the statutory authorities on request in the event of problems occurring."
3. The premises will be operated in accordance with the provisions of the event management plan dated 22 May 2018 and may be varied from time to time in agreement with all of the responsible authorities.

#### Public Safety

1. There shall be a capacity of 10,000 persons at the event at any one time (which includes staff, performers, security and children).

### **Prevention of Public Nuisance**

1. The festival sound engineer is to maintain control of the mixing desk at all times.

The Sub-Committee also sought the following undertakings from the premises licence holder:

1. That all of the clauses agreed between the applicant and Gloucestershire Constabulary be added to the Operating Schedule.
2. That a first-aid station shall be present on site throughout the event, staffed by medically trained staff.
3. That the travel plan and road traffic management plan be clearly displayed on the festival website.
4. That there be sufficient free potable water facilities available for persons attending the event.

### **REASON**

The Sub-Committee felt the constructive manner in which the responsible authority (Gloucestershire Constabulary) and the applicant had worked together at the Sub-Committee hearing had made for a swifter and more informed deliberation.

The Sub-Committee had deliberated over the number of persons that should be allowed to the event. One factor that still remained uncertain was how the total number of people on site would be controlled; therefore, at this stage, the Sub-Committee agreed that a maximum of 10,000 people would be allowed at any one time. Notwithstanding this, the applicant could apply to vary this condition in future years if deemed necessary.

The Sub-Committee decided to impose the extra condition in relation to the sound equipment in order to assist with the prevention of public nuisance should unauthorised personnel have access to the sound equipment and increase sound output above permitted levels.

The Sub-Committee was satisfied that all of the conditions attached to the licence would promote the licensing objectives.

The Sub-Committee had regard to the Human Rights Act 1990 and the European Convention on Human Rights as well as its duty under the Crime and Disorder Act 1998; however, it found that it had heard no evidence that any person's human rights would be infringed by granting the application, nor was it sufficient to convince the Panel that any significant crime and disorder would be caused by granting the application.

All interested parties were reminded of their right of appeal to the local Magistrates Court within 21 days of the decision.