

# TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Licensing Sub-Committee (Licensing Act 2003 and Gambling Act 2005) held at the Council Offices, Gloucester Road, Tewkesbury on Tuesday, 19 June 2018 commencing at 1:30 pm**

## **Present:**

Chair

Councillor R E Garnham

## **and Councillors:**

G F Blackwell and J Greening

### **LSB/A.1 ELECTION OF CHAIR**

1.1 It was proposed, seconded and

**RESOLVED** That Councillor R E Garnham be appointed as Chair for the meeting.

### **LSB/A.2 ANNOUNCEMENTS**

2.1 The evacuation procedure, as noted on the Agenda, was advised to those present.

### **LSB/A.3 DECLARATIONS OF INTEREST**

3.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.

3.2 There were no declarations made on this occasion.

### **LSB/A.4 APPLICATION FOR A PREMISES LICENCE - WITCOMBE CIDER FESTIVAL**

4.1 The report of the Head of Community Services, circulated at Pages No. 1-419, outlined an application for a premises licence in respect of Witcombe Cider Festival, fields adjacent to the M5 motorway, 250m south of Pressmead Farm, Brockworth Road, Churchdown. The Licensing Sub-Committee was asked to determine the application, taking such steps, if any, considered necessary for the promotion of the licensing objectives.

4.2 The Chair asked all parties present to identify themselves and explained the procedure that would be followed by the Sub-Committee. He advised that the Sub-Committee had visited the application site on Monday 18 June in order to familiarise themselves with the area and he clarified that this was purely a fact-finding exercise with no debate and no opinions had been expressed by the Panel Members. The Head of Community Services explained that he was presenting the report on behalf of the Tewkesbury Borough Council Licensing Team. The application had been made under Section 17 of the Licensing Act 2003 and was received by the Council, as the licensing authority, on 3 May 2018. He confirmed that it had been advertised in accordance with the Licensing Act 2003 (Hearing Regulations 2005) and a copy of the application was attached at Appendix 1 to the report. The plan showing the

layout of the premises was attached at Page No. 44 of the report and it was noted that this was superseded by an amended version received on 4 June 2018 which had been circulated separately. The licensable activities requested were outlined at Pages No. 3-4 of the report; it should be noted that the application requested that these activities only take place under the authority of the premises licence on a maximum of two occasions per calendar year - that being one event per year plus one contingency weekend that may need to be used in the event of unforeseen circumstances in relation to the main event - and could not be carried out on more than three consecutive days on any one occasion i.e. when the premises was open to members of the public. The good practice measures set out at Page No. 17 of the report would form part of the working document which would be called the Event Management Plan and included an Event Operating Schedule, Event Safety Plan, Risk Assessment, Health and Safety Plan, Sound Management Plan, Safeguarding Plan and Traffic Management Plan. The Sub-Committee had met the applicant on site the previous day and, in order to address concerns about road and traffic safety, the applicant had offered an additional road closure for the main road on the edge of the site near the entrances and the Head of Community Services hoped to see this included in the Traffic Management Plan to alleviate concerns about members of the public attending the event walking down the busy road. If the application was granted, the 'core conditions' that had been offered would be attached to the licence and/or included as part of the Events Management Plan which would run parallel to the licence.

- 4.3 During the consultation period, 14 representations had been received from members of the public, attached at Appendix 6 to the report. 12 of the representations were in objection to the festival on the basis that it would undermine one or more of the licensing objectives and the other two representations supported the application. It was noted that an additional objection had been received from Brockworth Parish Council which had been circulated separately along with a statement in support of the application which had been omitted from the original Agenda pack. Representations had also been received from Gloucestershire Constabulary, as a responsible authority, which objected to the application. This representation was attached at Appendix 5 to the report. It was noted that there had been several meetings of the Safety Advisory Group, attended by the Police and the applicant, to discuss the event including the Event Management Plan offered by the applicant and the proposals to implement measures to uphold the licensing objectives. Unfortunately, an agreement could not be reached to alleviate the concerns raised by the Police and the application had therefore been referred to the Licensing Sub-Committee for determination. The Sub-Committee was reminded that the hearing was to consider the application and the full range of activities that would be covered by the licence; the focus should not relate to the Witcombe Cider Festival alone as this was just one type of event that the licence may allow, for instance, it could allow for lower key events that the local community may wish to hold such as choir singing, playing music and displays of dance. It was also noted that a Temporary Events Notice could be submitted to extend the number of days if the number of attendees did not exceed 499 persons.
- 4.4 The Sub-Committee was reminded of its obligation to determine the application with a view to promoting the licensing objectives of the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm. In making its decision, regard must be had to the statutory guidance and Tewkesbury Borough Council's adopted Statement of Licensing Policy, attached at Appendix 8 to the report. Members were advised that the policy stated that conditions must be necessary and proportionate and must promote the four licensing objectives. Furthermore, pools of conditions supplied by the Home Secretary should not be applied universally, irrespective of particular circumstances, but may be used as examples that could be tailored to suit individual premises and

particular situations. The licensing conditions should not replicate any other legislation, other than the Licensing Act 2003. Members should be mindful of the indirect costs that could arise because of conditions as they could be a deterrent to holding events that were valuable to the community or for the funding of good and important causes. The Sub-Committee was advised that it could either: grant the application as requested and attach conditions consistent with the Operating Schedule; modify the conditions and/or timing of the licensable activities; or reject the application in whole or in part. The Head of Community Services drew particular attention to Page No. 3, Paragraph 2.1 of the report, and clarified that the hours for live music or similar activity referred to for Sunday should read: 00:00 to ~~00:04~~ **01:00**.

- 4.5 The Chair invited any questions for the Head of Community Services. In respect of safeguarding, a Member queried whether there was a requirement for staff working at the festival to undergo Disclosure and Barring Service (DBS) checks. The Head of Community Services advised that there was no requirement for DBS checks; however, the management and running of the event had been discussed by the Safety Advisory Group and that Group was satisfied with the safeguarding plan that had been put in place in relation to previous events. In response to a query regarding the road closure, the Head of Community Services advised that this would allow the applicant to take control of the road and he assumed it would apply for the duration of the event. The Chair asked the applicant to clarify the situation with the road closure. The Licensing Barrister referred the Sub-Committee to the site layout plan, circulated separately, and advised that the proposal – which had been approved in principle by Gloucestershire County Highways – was to close the road running north to south so there would only be one lane available to cars travelling south and the northbound carriageway would be for pedestrian use. This would apply from 0600 hours on the Friday of the event until 0600 on the Monday during which time the road would be under the control of the applicant and his team, which would include specialist companies that would be making sure the road was operating safely and in the interests of the public. There were pedestrian accesses at the north and south of the site; the access at the south of site was a shared access which had an opening that was wide enough to allow both cars and pedestrians to exit and this would also be an entrance for pedestrians. Taxis and buses would drop-off via a separate entrance which was marked on the plan; they would go through a turning circle and could only exit south along Brockworth Road. It was intended to have traffic lights at the junction where the site met the Brockworth Road; these would be infrared and therefore able to detect when it was safe to exit onto that road. It was acknowledged that the shared entrance for pedestrians and buses at the previous festival site on the A46 had created difficulties. There was also a high residential population along the A46 and, whilst there had been some objections to this application from residents of Court Road about pedestrians walking along the carriageway and past their houses, the Licensing Barrister gave assurance that additional security would be provided and staff would be given specific instructions to monitor those houses. In addition to the road closure, traffic cones would be used to ensure that people did not park on Brockworth Road. In response to a query as to the next steps, the Health and Safety Event Co-ordinator advised that the road closure application had been submitted and he had met with representatives from Gloucestershire Highways who had accepted the proposal and requested a traffic management plan. Link Highway Services, a Chapter 8 approved traffic management contractor, had put together a signage schedule which would be updated to include parking cones, speed restrictions of 20mph and no parking/no waiting signs along Brockworth Road. The Chair sought assurance that Gloucestershire County Highways was happy with the proposal and the Health and Safety Event Co-ordinator confirmed that was the case. A question was raised as to how cars would access the car park, given that one lane of the road would be used by pedestrians, and also how residents would gain

access to their properties. In response the Health and Safety Event Co-ordinator advised that there would be advanced warning signs and a two-way system would continue to operate at the bottom of Court Road for residents only; similarly, there would be a two-way system for the handful of residents at the Churchdown end. In terms of the car park, vehicles would be diverted around Hucclecote Lane to go via the Churchdown end of Brockworth Road. A representative from Gloucestershire Constabulary sought confirmation as to what would happen in an emergency and how that would be facilitated given the road closure etc. The applicant explained that the traffic management company would be manning the road closure and letting accredited vehicles through so they would be able to react to an emergency and stop traffic from exiting to allow clear passage for any emergency vehicles.

- 4.6 The Chair indicated that there were a wealth of plans associated with the event and he questioned what would be done to ensure these were all adhered to, should the licence be granted. The Head of Community Services explained that the process would be the same as for previous events i.e. there would be a series of Safety Advisory Group meetings with the applicant and his colleagues and the relevant authorities to go through the various plans and ensure they were to the satisfaction of the Council. Officers would also visit the site to check compliance during the event. It was noted that the Council did not have the resources to monitor noise at the event and a condition had been included on the previous licence that this must be undertaken by a professional. The Head of Community Services understood that a professional noise monitoring company had been on site last year and that Officers had been relatively content with the records it had provided.
- 4.7 The Chair invited the representatives from Gloucestershire Constabulary to present their case. The Gloucestershire Constabulary Head of Legal Services firstly stated that this was a new application and therefore there were new issues to consider; he did not feel that the Sub-Committee would benefit from going over the history of the event in detail. He explained that the issues raised in the representation from Brockworth Parish Council were ostensibly the same as the concerns held by the Police prior to the hearing – whilst he noted that a road closure application had been submitted, there were still a number of matters to address. Firstly, there was a concern that people wanting to avoid paying for parking may park in the villages in close proximity to the site. Furthermore, whilst the incidents reported to the Police historically had been relatively low level, there had been some drunkenness and drug-taking associated with the festival. This application sought a significant increase in the number of attendees and it appeared that it was now a music festival first and foremost as opposed to a cider festival which is how it had been pitched previously. A number of the issues that had arisen the previous year had been during the musical entertainment when particular artists were performing, which may be relevant in terms of the crowd and the dynamics, and this changing environment needed to be borne in mind. Running an event of this size came with significant responsibilities and, although the plans that had been considered by the Safety Advisory Group appeared to be acceptable, it was vital to ensure that the staff complied with those principles in order to maintain the safety of the event.
- 4.8 As there were no questions for Gloucestershire Constabulary, the Chair invited other parties who had attended the Sub-Committee to make representations, starting with Brockworth Parish Council. A Brockworth Parish Councillor explained that a meeting had taken place on 23 May 2018 between the applicant and his representatives and the local residents. At the end of the meeting, the Parish Council had requested a risk assessment for the event which had been provided later that evening. The Parish Council had subsequently called an Extraordinary Parish Council meeting on the basis of the risk assessment which bore no resemblance to what they had been told and what had been applied for. In terms of the narrow roads, the applicant had previously advised that the verges would be cut which would give an extra four feet whereas today it had been stated that a road

closure would be put in place to close one lane; notwithstanding this, he considered that lighting would still be needed. In response, the applicant confirmed that, if the safety specialist confirmed that lighting was needed then he would ensure it was installed; he indicated that a Safety Advisory Group had been scheduled for 5 July 2018 for any outstanding issues, including the road closure, to be discussed. The Brockworth Parish Councillor went on to indicate that the proposed one-way traffic system would be a problem given that there could potentially be 10,000 attendees as all traffic would be leaving the site at the same time between the hours of 2300 and 0300. He was convinced that on-street parking would be an issue and he questioned whether the security staff had any powers to prevent this. The applicant explained that he would take ownership of the road for the duration of the road closure and would have the power to tow any cars that were parked illegally. The Health and Safety Event Co-ordinator confirmed that this was not a significant concern for County Highways. He reiterated the intention to put out traffic cones and 'no parking' signage and confirmed that APCOA Parking would be able to enforce any illegal parking with ticketing etc. Specific concern was raised about traffic turning into Court Road from the Community Centre in terms of what would happen if vehicles inadvertently used the closed road and how they would turn around. It was also noted that there could be a lot of agricultural traffic in the area at the end of August and a question was raised as to whether there were any contingencies for that. The Health and Safety Event Co-ordinator clarified that the road closure would be manned and vehicles trying to access the event from the Court Road end would be turned around. He appreciated the point about the agricultural vehicles and would look to resolve that with the farmers. The Chair provided assurance that these points would be noted for further discussion and resolution by the Safety Advisory Group should the application be granted.

- 4.9 The Brockworth Parish Councillor went on to point out that that the monitoring document presented as part of the risk assessment was dated 10 August 2017 and therefore was out of date. In response, the Licensing Barrister confirmed that noise monitoring had been carried out by a professional acoustician at the festival last year and the document had been provided to demonstrate these obligations – should this licence be granted, the acoustician would be re-appointed and a similar report would be produced for this year. A local resident indicated that his house was some distance from the previous festival site, and was double-glazed, but he had still been able to hear music from the festival at 2100 hours so he questioned when the monitoring was carried out. The Sub-Committee was informed that noise monitoring was undertaken on a regular basis. In 2017 there had been occasions where the decibel level had increased; this was when certain musicians had taken control, rather than the technicians, and assurance was provided that this could be addressed by condition to ensure it did not happen again. In the main, the decibel level had not been exceeded and - although local residents may take a different view - the levels recorded by the professional acoustician were the legally accepted levels. The Chair queried whether it was possible to use a noise limiter so that the music cut out if the decibels went beyond the prescribed level. Tewkesbury Borough Council's Environmental Health Manager explained that noise limiters brought their own problems, for instance, they could interfere with the frequency etc. He provided assurance that Tewkesbury Borough Council's Environmental Health Officers would set up the equipment with the consultant and would undertake independent monitoring. It was worth noting that certain climatic conditions, such as low cloud, could affect noise levels and this was almost impossible to predict.
- 4.10 In response to a concern about disorderly behaviour arising from the festival, the Chair sought further details about the Security Industry Authority (SIA) approved security staff. The Licensing Barrister explained that the number of security staff had previously been prescribed by way of condition. He drew attention to the proposed conditions at Page No. 40 of the report, in particular condition 3, which

stated that “*between the hours of 0900 and 2000 on event days, there shall be no less than 30 security officers on site*” and condition 4 which stated that “*between the hours of 2000 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*”. The latter condition meant that, with a capacity of 10,000, there would be 134 security officers on site. The security company in charge of the SIA staff was working on the basis of 150 door staff so that, when the final numbers were confirmed, they could scale down rather than up. The Chair suggested that it would be helpful to have a condition which stated that there would be “no less than x” number of security staff and he questioned if that was possible. In response, the Licensing Barrister indicated that it was difficult to give a figure. He explained that all pedestrians would be subject to a central security check - this element of the security operation alone would require 30 staff so this would be a minimum number but in practice it would be many more. In response to a query as to how the applicant would ensure there were enough security staff to comply with the ratio set out in the conditions whilst also making sure they did not breach health and safety laws in terms of hours of working, the Licensing Barrister clarified this would be managed by the security company, Sterling Security Solutions. The representative from John Dix Travel confirmed that he intended to manage the security provision on vehicles this year and would provide his own staff for that purpose. The Brockworth Parish Councillor went on to question what would happen if people were unwilling to pay for parking as he felt this would cause a considerable problem with on-street parking in Brockworth. The Licensing Barrister explained that the £10 car parking fee had been set at what was considered to be affordable and was not intended to act as a deterrent; in his opinion people were unlikely to park in the areas the Parish Councillor was concerned about which were over a mile away from the festival site.

- 4.11 The Brockworth Parish Council acknowledged what the Head of Community Services had said in respect of safeguarding at the start of the meeting; however, he continued to have concerns bearing in mind it was pitched as a family festival and there would be young children at the event. The Head of Community Services confirmed that the applicant had been absolutely compliant with the safeguarding policy that had been presented to the Safety Advisory Group last year. In an ideal world, every member of staff would have a DBS check but that was not realistic; nevertheless, it would be possible to ensure that certain staff who would have contact with children were checked. The representative from Sterling Security Solutions confirmed that all of his SIA operatives were DBS checked every three years and this was standard procedure. In response to a query as to whether he would need to use security staff from other companies for the event, the representative from Sterling Security Solutions confirmed that he had obtained the necessary identification and licence documentation from all sub-contractors. The Health and Safety Event Co-ordinator clarified that he would be the designated safeguarding officer and was suitably qualified for that role. He provided assurance that anyone named on the safeguarding policy would be DBS checked. A number of questions were subsequently put to the representative from Sterling Security Solutions about his background and he confirmed that he had previously been involved with a number of other security companies but he was now an Operational Manager for Sterling Security Solutions which was in the process of appointing Approved Contractor Scheme (ACS) contractors with SIA badges for the event. In response to a query, the Head of Community Services advised that safeguarding did not cover drug use. The applicant confirmed that the festival had a strict anti-drugs policy and everyone would be searched on entry; this included routine drug testing and the use of a security dog. It was also noted that the security company had knowledge of persons of concern in the local area and they would not be allowed on site. The Gloucestershire Constabulary Head of Legal Services indicated that the Police could assist the event in this regard and suggested that the Safety Advisory Group consider how security could be heightened. A Member queried whether

children were searched and the applicant confirmed that they would be along with changing bags, bottles and any other equipment; he provided assurance that this would be done with safeguarding in mind. Another Member questioned whether security staff were able to search female attendees and the representative from Sterling Security Solutions confirmed that there would be approximately 25-30 female staff. The Chair indicated that this needed to be a stronger commitment and he would like to see a minimum number.

- 4.12 A local resident raised concern that there was a wedding at St. George's Church in Brockworth at 1230 hours on the Saturday of the event and a normal Sunday service at 1000 hours which could be impacted by the event in terms of access and noise; this was a particular problem for the wedding which was a very special day for those involved. The Independent Licensing Consultant from Easy Licensing explained that there would be advanced warning signs at the roundabout approaching Court Road and the first road on the right would be a turning point. There would be no access beyond that point unless they were a resident or attending the church. In terms of notifying residents, a letter had been delivered to all properties in Court Road and he would be happy to re-send that. The Chair suggested that, if the licence was granted, it would be helpful to put a copy of the traffic management plan onto the event website. It would also be necessary for the applicant to discuss access with the church warden to ensure that people attending the services were not adversely affected.
- 4.13 In response to a query as to why the festival needed to take place over three days, the applicant indicated that this was due to demand; he pointed out that the festival was the highlight of the summer for some people and they looked forward to it all year. The Licensing Barrister pointed out that the live music was provided by local bands as well as more well-known artists and, for them, a three day festival was a significant opportunity to showcase their talent and to play in front of a large crowd. The Brockworth Parish Councillor understood that, if the licence was granted, the applicant intended to introduce a camping element going forward and he questioned how that would be controlled. The Licensing Barrister clarified that there was currently no intention to offer camping and, if that was something the applicant wished to introduce in the future, an application would need to be made to vary the licence. The Chair reminded the local residents and responsible authorities that, if granted, the licence could be reviewed at any point if it was felt that the conditions were not being adhered.
- 4.14 A Member noted that the event would run until 0300 hours and sought clarification as to what time the microphone would be switched off and when the site would be evacuated. The Licensing Barrister confirmed that the live music would end at 2300 hours and any music occurring after that time must be "virtually not audible or discernible" as set out in condition 7 at Page No. 41 of the report. Dancing and recorded music and the supply of alcohol would cease at 0100 hours and late night refreshment would end at 0200 hours. The Head of Community Services clarified that, whilst there would be no licensable activity on the premises after 0200 hours, the opening hours were until 0300 hours which he assumed was to give people time to evacuate the site. A local resident raised concern that alcohol would be sold from 0900 hours, particularly as it was a family event, and the Licensing Barrister indicated that the applicant would be happy with a later time of 1000 or 1030 hours.
- 4.15 The Chair invited the applicant to make his case. The Licensing Barrister thanked Gloucestershire Constabulary for the constructive approach taken at the hearing and he also wished to acknowledge the benefits of the Safety Advisory Group meetings in the lead-up. The cider festival had grown significantly from its humble beginnings in the cricket club six years ago and the main priority was to ensure that it continued to run in a safe and secure manner and that the licensing objectives were promoted as far as possible. The application was for a three day event and the lease between the applicant and the landowner ran for 10 years – it was not forever and it was

possible to call a review at any time. The applicant spent his life opening doors and finding solutions so nothing was too much of an obstacle, for instance, he was sure there was a solution to ensuring the wedding at the church ran smoothly and the applicant was willing to sit down with everyone involved to make sure it was remembered for the right reasons - he advised that the stage had been positioned to face in an easterly direction and the church was over a mile away so there should be minimal disturbance. The applicant's door was always open and he was happy to discuss any issues with local residents. The festival had outgrown its previous site where it had been run with minimal impact on the Police and instances of bad behaviour had been few and far between. It attracted people of all ages and the range of music on offer reflected that. The applicant employed the best staff, whether that be SIA security, health and safety or transport. There would be an increase in the number of buses running to and from the site this year and they would be picking up/dropping off from 10 destinations to further reduce the amount of people driving to the festival. He went on to reiterate that the issue with the noise level exceeding the prescribed level on a few occasions was preventable and would be discussed further by the Safety Advisory Group.

- 4.16 The Licensing Barrister went on to indicate that he had received a letter from the Gloucestershire Constabulary Licensing Officer on Friday of the previous week setting out a number of conditions, many of which were included in the Operating Schedule. He would be disappointed if all these conditions were imposed and he reminded the Sub-Committee of the advice given by the Head of Community Services at the start of the meeting in terms of overburdening the licence. He made particular reference to the suggested condition in respect of CCTV and indicated that, whilst CCTV would be installed at the entrance, it would be difficult to install it in every bar; however, it was possible to provide SIA security staff with body cameras which would be on continual record. The Chair felt that it would be beneficial to have a short adjournment to allow the applicant and his representatives to discuss these conditions with Gloucestershire Constabulary and come to an agreement as to a way forward.

The meeting adjourned at 3:40pm

The meeting reconvened at 4:15pm

- 4.17 The Chair thanked everyone for their patience and indicated that an agreement had been reached so the short break had been beneficial. The Licensing Barrister advised that, following the discussion, the applicant was happy to include a blanket condition as follows: ***"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"***. In addition, condition 7, set out at Page No. 40 of the report, would be extended as follows: "A CCTV system shall be installed at the security checkpoint on the site in order to record images of patrons attending the event. ***In addition, a minimum of five SIA door staff shall be equipped with body cameras, 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". With regard to condition 4 on Page No. 4 of the report, it was noted that Gloucestershire Constabulary wished to change "patrons" to "persons" and it had been amended as follows: "Between the hours of 2000 and closing time on event days, the number of security officers shall be maintained at a minimum ratio of 1 security officer to 75 ***patrons persons excluding staff and children under 12***". The Legal Adviser confirmed that she was comfortable with the amendments.

- 4.18 The Chair invited any final questions of the applicant. The Gloucestershire Constabulary Head of Legal Services sought confirmation of the access onto the site for the Police and any emergency vehicles and he was advised that the current



routes for buses and cars were usable by all emergency services. Clarification was provided that arrangements for were in place, in case of bad, weather, for tracking to be laid down and four wheel drive vehicles to remove any vehicles which got stuck. The Gloucestershire Constabulary Head of Legal Services questioned whether all parts of the site were accessible if Police vehicles needed to enter the site and confirmation was provided that the site was fully accessible by car or on foot. In response to a query as to where people would be evacuated if all the car parks were full, the Licensing Barrister advised that it was highly unlikely that the car parks would be full – there had been approximately 3,000 attendees last year, including staff, and only 150 cars. The car park area was enormous with around 5,000 spaces. The Health and Safety Event Co-ordinator confirmed that the assembly point was at the bus/taxi drop-off point and there was an alternative assembly point at the south of the overflow car park.

- 4.19 The Chair indicated that there had been some confusion over the number of attendees, and whether this included staff and children, and he questioned whether a total number of 10,000 attendees would be problematic for the applicant. The Licensing Barrister indicated that the applicant would prefer that staff, including performers, were not included within the 10,000.
- 4.20 The Chair indicated that the Sub-Committee would retire to make its decision.
- 4.21 When the meeting reconvened, the Chair advised that, having considered the application, all of the evidence presented, the representations made by all parties, the licensing objectives, the national guidance and the Council's own licensing policy, it was

**RESOLVED** That the premises licence be **GRANTED** as set out in the attached Decision Notice.

The meeting closed at 5:25 pm

## DECISION NOTICE

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

**DATE:** Tuesday, 19 June 2018

<b>Premises:</b>	Witcombe Cider Festival, Fields Adjacent to M5 Motorway, 250m south of Pressmead Farm, Brockworth Road, Churchdown, GL3 4RA.
<b>Applicant:</b>	Joseph Pointon.
Application for a premises licence.	
<b>Present:</b>	Councillors G F Blackwell, R E Garnham (Chair) and J Greening.
<b>Representatives of the Applicant:</b>	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.
<b>Responsible Authorities:</b>	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-COMMTTEE

#### 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.