

## Licensing Sub Committee-Alcohol and Gambling

Thursday, 15th February, 2018

2.00 - 3.15 pm

Attendees	
<b>Councillors:</b>	Paul McCloskey (Chair), Tim Harman and Diggory Seacome
<b>Also in attendance:</b>	Phil Cooper and Vikki Fennell

### Minutes

**1. APOLOGIES**

There were no apologies.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**3. MINUTES OF THE LAST MEETING**

The minutes of the last meeting held on 31<sup>st</sup> January 2017 were signed as a correct record.

**4. LICENSING ACT 2003: DETERMINATION OF AN APPLICATION FOR A PREMISES LICENCE**

The Chair welcomed the sub-committee and attendees, he firstly stressed that the meeting was not to decide whether the event was to go ahead but to determine the application on licensing grounds. He confirmed that any wider issues would be dealt with elsewhere.

The Licensing Officer proceeded to introduce the report. He explained that Garden Events Limited had made an application for a new premises licence in respect of an event called Picnic in the Park which was to take place in Pittville Park, Cheltenham.

He confirmed that the application was for the period of 29<sup>th</sup> August 2018 to 4<sup>th</sup> September 2018 and the applicants intended to use the licence for their event on the weekend of Saturday 1<sup>st</sup> September to Sunday 2<sup>nd</sup> September 2018. He explained that the licensable activities were the sale and supply of alcohol and the performance of live music. He noted that the applicant had proposed a number of steps which they would take to promote the licensing objectives and these were highlighted at paragraph 2.4 of the report. The Licensing Officer explained that during the statutory consultation period as required for premises licences the council's senior Environmental Health Officer and Gloucestershire Constabulary had agreed on several conditions with the applicant. He further advised that 18 representations had been made from other people, 17 of which were objections. All of the representations were outlined to the rear of the report at Appendix E.

The Licensing Officer reminded the sub-committee that in determining an application they must seek to promote the 4 key licensing objectives as defined in the Licensing Act 2003, which are: the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

The Licensing Officer advised the sub-committee that they could either:

*Grant the application as applied for; or*

*Grant the application subject to such conditions as the sub-committee considers appropriate for the promotion of the licensing objectives; or*

*Refuse all or part of the application.*

Councillor Parsons was then invited to speak on behalf of the local residents who had made representations in opposition to the proposals. He noted the following:

- The event was to take place on the first weekend after the August bank holiday and on the penultimate weekend of the school holidays at a time when you would expect the park to be extremely busy.
- He noted that the Council had recently spent £5,000,000 refurbishing the children's play area.
- He stated that whilst drinking alcohol in the park is not prohibited, it has special arrangements regarding alcohol as it is covered by a Public Spaces Protection Order, which suggests there is the potential for public nuisance from alcohol consumption.
- He noted that one of the conditions applied by Gloucestershire Constabulary was to keep a log book of those who had been refused the sale of alcohol. He felt that this showed the police saw the potential for alcohol abuse.
- He raised concerns over the fact that there is a time lag with alcohol and so someone may be served who doesn't appear intoxicated but it may catch up with them later.
- He felt that the application failed to promote all 4 of the licensing objectives in that the consumption of alcohol can lead to crime and disorder, which poses a risk to public safety and in turn causes a public nuisance.
- Councillor Parsons also raised concerns over the proximity of the event site to the children's play area.
- In terms of public nuisance, he felt that the event denies the public access to the park for a week. The fact that event organisers were forecasting 7-8 thousand attendees would also mean that the park would be extremely overcrowded.
- Whilst Councillor Parsons acknowledged that steps were being taken to monitor the decibel levels he didn't place much confidence in these measures. He appreciated that whilst you expect some level of noise living next to a park, the constant nature of the music was what posed a problem, particularly with regards to bass guitars and drums being used. He explained that a music event at Pittville School last year had caused a lot of complaints.

- He felt that the conditions placed by the Environmental Health Officer that all deliveries were to take place between 08:00 and 18:00 implied that they could foresee an issue in the preparation of the event.
- He also drew the sub-committee's attention to section 6.28 of the report which discusses light pollution. He felt that the flood lights which would be used for the week whilst the event was being erected would cause serious light pollution for some residents.
- Councillor Parsons advised that new parking measures were being put in place in the Pittville area which would impose even more restrictions on people parking on the street. This would mean that during the event regular users of the park would have to park even further away. He also felt that the increased traffic to the event posed an issue of public safety.
- Councillor Parsons reasoned that whilst he wasn't against the event he felt it was in the wrong place and that by holding the event at the Racecourse would overcome a majority of the issues.

The Chair proceeded to invite the applicant's representative Miss Andrea Soole to speak in support of the application. In her statement she noted the following:

- She firstly began by handing around a revised plan of the event site. She explained that they had re-located the stage so that the sound would project out over the road and cause less disturbance to residents.
- She assured the sub-committee that they were doing as much as they could to minimise the noise disturbance and confirmed that a company had been employed to monitor the sound levels.
- She stated that the relocation of the stage was predicted to reduce the noise disturbance to the residents in the flats fronting the park by 7 decibels. She also advised that the noise from the event was only likely to be around 63 decibels and noted that that a busy office would be 55 decibels.
- She explained that the performers were mainly acoustic and folk artists and not drum and bass.
- With regards to lighting, she informed the sub-committee that the lighting to be used was security lights which would face downwards, not spot lights.
- She felt that it was standard for events to have a log book which recorded the refusal of the sale of alcohol and therefore did not agree that this implied the police could foresee an issue.
- She informed the sub-committee that they would be strictly enforcing challenge 25 and would display the necessary signage stating that anyone who looked underage would be challenged. She also advised that all staff would be trained in challenge 25.
- She further emphasized that they would be refusing the sale of alcohol to any intoxicated persons.
- She explained that at the Cheltenham Food and Drink Festival which was a similar event people rarely got outrageously drunk. She stated that they had experienced security guards on hand who could deal with any issues if necessary.
- She felt that it would be a family event and so the clientele they were expecting would not be the type to drink copious amounts of alcohol.
- Miss Soole felt that the timings they were proposing were reasonable given that they could apply for a licence up to 11pm.

- She also advised that they would be operating a Park & Ride system from the Racecourse which they felt would reduce parking and traffic issues considerably.

The members then proceeded to ask a number of questions to Miss Soole. One Member asked for clarity on what the event actually was. Miss Soole advised that it was a family event, she explained that they would have a Punch and Judy show, local businesses would be selling their produce and there would be lots of arts and crafts stalls. She stated that there would not be constant music.

One Member raised concerns over the lack of available grass space to have a picnic and felt the name of the event was misleading. Miss Soole advised that it would be less of a picnic and they had actually considered changing the name of the event. She explained that instead there would be tables and chairs for people to sit at and food and drinks available for them to buy. Miss Soole confirmed that the Prosecco Pavillion would not be the only outlet selling alcohol but the stalls would be also.

One Member noted that the park was on a slope which could pose problems for stall holders and queried whether stall holders had been notified of this. Miss Soole explained that they had not consulted stall holders on the slope yet as they had not been granted the licence, she noted that they did, however, have a very experienced marquee company who they used. Miss Soole also confirmed that they would not be using the Pump Room car park due to the fact that there was a wedding. She also suggested that the wedding was part of the reason why they had put the stage further down the site. Following questioning Miss Soole confirmed that they would be using plastic cups and explained that they would advise people of the park and ride system through their website and through social media as well as advertising it in the programme.

One Member queried what time they anticipated the park to be cleared given that they were only stopping the sale of alcohol 15 minutes before the event closes. Mrs Soole advised that they would clear the site as quickly as possible and with the Cheltenham Food and Drink Festival the site was usually clear within 30 minutes. She also advised that security staff would help clear people out if necessary. Mrs Soole reported that they would have litter pickers on hand throughout the day and the site would be completely cleared every evening. With regards to litter outside the site she explained that they would spend 2 days following the event clearing up and would pay for re-seeding if necessary. She stressed that they would leave the site in the exact same state in which they found it. With regards to exhibitors she explained that they would come on site to set up at 8am and be off site by the time the public arrived. She anticipated that following the event stall holders would have cleared up within 2 hours.

Following a query on the cost of the event Miss Soole reported that the entrance fee had not yet been agreed but would be in the region of £6-£7 and under 16's would be free. One Member questioned whether the drinks prices would be reasonable given they were charging an entrance fee. Miss Soole felt that in comparison to other events i.e. the Cheltenham Jazz Festival the entrance fee was very reasonable. She explained that it would be down to the individual stall holders what they would charge for drinks. She also confirmed that the stall holders would be paying the events company a fee. One Member raised concerns that if the drink fees were lower then people may be inclined to

drink more which would in turn encourage alcohol abuse. In terms of whether it would be a one off event or something which they did every year Miss Soole stated that she was unsure and felt that this question would be better directed at the director of the company.

In her summary Miss Soole explained that they had been running events as a company in Montpellier for 9 years and that in the planning process they felt they had taken everyone's needs in to account. She stressed that it was a community event which would benefit local businesses and in turn contribute to the economy and vibrancy of Cheltenham.

The sub-committee retired to deliberate at 14:35.

The sub-committee reconvened at 15:10 and the Chair proceeded to read the decision of the sub-committee which was as follows:

In respect of the application by Andrea Soole. on behalf of John Rhodes, Garden Events Limited For Picnic in the Park, the Sub Committee has had regard to the statutory guidance issued by the Secretary of State, the Council's adopted policy statement, the representations made and the evidence it has heard. In particular, the Sub Committee has sought to promote the 4 licensing objectives when determining the application. Those being the prevention of crime & disorder, public safety, prevention of public nuisance and the protection of children from harm.

The application before the sub committee today relates solely to a one-off two day event on the 1st and 2nd September 2018

The decision of the Sub Committee is as follows:

To grant the licence as applied for along with the conditions agreed with the Police and Environmental Health

However the sub committee wish to add the following conditions:

1. Change the hours of the event to 11:00 – 8:00 p.m. on Saturday and 11:00 – 7:00 p.m. on Sunday to reduce the impact on residents
2. The applicant is to erect suitable signage around the site directing visitors to use the park and ride
3. The applicant is to direct that all stall holders, staff and security staff are to use the park and ride

The sub committee has sympathy for the neighbours and their objections and as explained at the beginning of the meeting we are here today to purely deal with the licensing side of this application

The sub committee feel that Councillor Parsons was correct in his summation that this is a good event but in the wrong location and had this been in a different location then the sub committee might have felt more relaxed about it

There are aspects of a non licensing nature which the sub committee have issues with and will direct these concerns to the relevant cabinet member and the park department

The name Picnic in the Park is not a true representation of the event and the sub committee would urge the applicant to change the name of the event to something more suitable

In conclusion, the Sub Committee has found that the licensing objectives are satisfied and that the conditions offered by the applicant, the police, environmental health and the sub committee's added conditions will ensure the licence meets these objectives.

The Interested Parties are reminded that should the Applicant fail to meet the licensing objectives that they can report matters to the Licensing Authority and the Applicant and that the licence can be the subject of a review.

Further, any noise complaints should be communicated to the environmental health department for them to investigate.

There is a right of appeal to the local magistrate's court within 21 days of this decision.

**RESOLVED THAT**

**The application be granted subject to the conditions applied by the sub-committee.**

Paul McCloskey  
**Chairman**