

Overview and Scrutiny Sub-Committee

Wednesday, 30th August, 2017

3.00 - 4.55 pm

Attendees	
Councillors:	Alex Hegenbarth, Sandra Holliday, Chris Mason, John Payne, Jon Walklett (Chairman), David Willingham, Chris Ryder and Simon Wheeler
Also in attendance:	Jim Daniels, Parking Manager (GCC) Simon Ellson, Cheltenham Police Sergeant (Gloucestershire Constabulary) Louis Krog, Business Support and Licensing Team Leader (CBC) David MacKinnon, Regional Director (The Jockey Club) Councillor Dennis Parsons (Pittville ward)

Minutes

1. APOLOGIES

Councillors Harman, Baker and McCloskey had given their apologies and Councillors Ryder, Wheeler and Willingham substituted for them respectively. Councillor Wilkinson had also given his apologies.

2. DECLARATIONS OF INTEREST

Councillor Willingham declared a non-pecuniary and non-prejudicial interest in agenda item 4 (race day arrangements), as in March 2017, in his role as Vice-Chair of the Licensing Committee, he had shadowed Enforcement Officers in their duties during race week.

3. PUBLIC AND MEMBER QUESTIONS

No public or member questions had been received.

4. RACE DAY ARRANGEMENTS

The Chairman welcomed representatives from Cheltenham Borough Council, Gloucestershire Constabulary, Gloucestershire County Council and the Jockey Club and on behalf of the Overview and Scrutiny Committee thanked them for their attendance, which was very much appreciated. He gave a reminder that Councillor Parsons, the ward member for Pittville had raised concerns about the provision of temporary toilets and illegal parking during race events which were growing in popularity. Whilst acknowledging that increasingly popular racing events were beneficial to the town and its economy, and the effectiveness of the co-ordinated approach to planning for race meetings, the Overview and Scrutiny Committee wanted to consider what, if any, improvements could be recommended. The Chairman explained that once, as a committee, members understood the special arrangements and popularity of the various events and the scale of any issues, they would move onto discussing any proposed improvements. And at this stage, would welcome input from the relevant representatives to explain any budget and/or resource implications associated

with the improvements being proposed. He looked forward to a positive and productive discussion of the issue, which he hoped would be beneficial to everyone.

To clarify their understanding of the information that had been circulated with the agenda, members, including Councillor Parsons, asked the following questions:

- Was it true that with no custody suite in Cheltenham, anyone that was arrested needed to be transported to the custody suite at Waterwells? Sergeant Ellson confirmed that this was indeed the case.
- The permanent parking restrictions which had been imposed throughout the ward of St. Paul's had proved successful, but there was a request that enforcement officers visit this area more regularly during the March festival. Jim Daniels confirmed that this would be possible.
- Was Gold Cup, with 70,000 attendees, far bigger than any other event held in Gloucestershire and if so, had consideration been given to how other similarly large scale events were approached and managed? Gold Cup was undoubtedly the largest sporting event in Gloucestershire. David McKinnon, as part of the Jockey Club, which managed venues which held major events including the Grand National, regularly reviewed how other events were managed. Sergeant Ellson noted that the International Air Tattoo attracted the largest number of attendees of any event in Gloucestershire, but that this was not an event in which he was directly involved.
- The permit schemes which were introduced as part of the traffic management measures worked well, but did enforcement officers check that residents were parked outside of the property to which the permit had been issued? Jim Daniels explained that enforcement officers simply checked whether a valid permit was held and that there were no restrictions on where residents could park within the permit zone i.e. residents were not required to park their vehicle outside of their residence.
- The racecourse held briefings before and debriefs after, all race events, but did David MacKinnon feel that the structure of consultees for these briefings was adequate or did he want to see any changes? The relationship with stakeholders was very important to the racecourse and had been built over decades but had been strengthened in recent years since the traffic order consultations. David MacKinnon noted that the racecourse had recently broadened the number of councillors who were invited to participate in these pre and de-briefs and suggested that this may change over time as events evolved and that he was prepared and open to change.

Members indicated that they sought clarification in relation to information contained within the exempt appendix and moved to formally exclude the press and public.

RESOLVED that in accordance with Section 100A(4) Local Government Act 1972 the public be excluded from the meeting for the remaining agenda items as it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public are

present there will be disclosed to them exempt information as defined in paragraph(s) 3 and 7, Part (1) Schedule (12A) Local Government Act 1972, namely:

Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Paragraph 7 – Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

The press and public were formally excluded from the meeting whilst Members discussed and considered operational resourcing and processes for enforcement in respect of Race Day arrangements. The press and public were then invited back to the Meeting and Members resumed their questioning of officers:

- Was it not inappropriate for the council to have licensed a Guinness concession outside of the Pump Rooms, within an award winning park and in such close proximity to a very popular play area? To give some context to the issue Louis Krog explained that the application in question had been submitted in 2005 and neither the Police nor Environmental Health had raised objections. He explained that unless it was determined that there was a risk of leading to or contributing to crime or disorder, prejudice to public safety, public nuisance or harm to children, then under the legislation, the council had no grounds on which to refuse the application. The legislation only allowed for refusal if there were problems associated with the operation of the licence such as underage drinking or proxy purchasing. The council had no policy in place which prohibited the issue of any further licenses.
- Would it be possible to condition a license with the provision of a toilet? The council was not able to condition a Temporary Event Notice but legislation did stipulate that toilet provision was required for premises selling food and drink with the provision of seating and similar establishments.
- How do the Police deal with people that urinate in public? Sergeant Ellson acknowledged that this was a longstanding issue and confirmed that there were dedicated teams of PCSOs who patrolled areas, focussing on 'kicking out time' and actively discouraged people from urinating publicly. The Police could issue a fixed penalty and, if a person was abusive or aggressive could arrest them, but the sheer volume of people made this difficult. The Police needed to understand local priorities and increase in toilets and dedicated patrols had resulted in feedback from local residents suggesting that the situation had improved.
- Was alcohol consumption permitted in Pittville Park? Cheltenham had an existing Public Space Protection Order and although it did not prohibit the consumption of alcohol in Pittville Park, it did make it an offence if they refused to stop drinking when asked to do so by a constable or authorised person. Sergeant Ellson stressed that drinking alcohol in itself was not a reason to carry out an arrest; there would need to be an aggravating factor, such as urinating, aggression, etc.
- Seemingly, the main issue was that people continued to serve individuals that were already very intoxicated. What could this council

do to stop this from happening? Louis Krog confirmed that it was an offence to serve alcohol to a person that was already drunk, but since the legislation was introduced in 2005, there had been no prosecutions nationally, because nobody had been able to overcome the issue of being able to prove, that a person was drunk. Licensing officers had visited a number of clubs in March 2017 but the sheer volume of people made this a difficult undertaking. He also suggested that these circumstances made it difficult for bar staff to judge how drunk a person was, as they didn't have time to make an assessment.

- What proportion of race day resources were targeted on ticket tout operations and illegal taxis activity? Louis Krog estimated that 60% of resources focussed on illegal taxis activity, compared to 10-15% on ticket touts and the rest on licensed premises.
- Does the racecourse have a glass deposit system which could save the event money in terms of the amount of litter picking required? The racecourse put a huge emphasis on responsible alcohol consumption and approximately 3-4 years ago had introduced a policy whereby no alcohol is permitted in or out of the venue. He noted that no glassware was used.
- Did residents in close proximity to other racecourses experience similar issues? David MacKinnon suggested that it would be difficult to make comparisons due to difference in scale, but that alcohol was commonly the causal factor for many complaints.

At this stage the Chairman invited members of the public to comment or ask questions:

A resident from Lexington Square, his property directly opposite the racecourse, felt that in addition to the Police Officer that dealt with the coaches, there should be another on duty, stopping people from urinating in his street, an issue which has been ongoing for the last 14 years. On one occasion he had called the police non-emergency number to report a group of people urinating outside of his property, to be asked by the operator to keep the offenders where they were, but as a man in his sixties, he wasn't willing to attempt this. He also noted that in response to this call he was visited some days later by an officer from Wiltshire. Sergeant Ellson reiterated that there was a team of PCSOs which was dedicated to dealing with such issues and he would discuss the particular issue with the gentleman after the meeting had concluded. He also explained that Gloucestershire Constabulary formed part of a Tri-Force, which he hoped would explain why a Wiltshire Officer had visited.

This resident also raised the issue of New Barn Lane which he understood to be a clear way area, meaning vehicles were not permitted to stop, but he witnessed a large number of vehicles either dropping people off or picking them up. Jim Daniels suggested that this was quite difficult to address as these people would simply drive away when approached. Simon Ellson explained that when cones were put out by the Police in essence these areas became double yellow line areas, but this did prohibit people stopping to drop off and pick up. Again, this was something he would discuss with the gentleman after the meeting.

Another resident who lived in close proximity to the racecourse and who had been a parish councillor for some 25 years, claimed to have, in that time, been

invited to almost 25 pre-briefings at the racecourse. He highlighted that whilst residents complained about the lack of toilet provision, some residents then went on to complain about having portable toilets located close to their properties. He considered alcohol to be a national problem, although did claim to have encountered no local police at this year's Festival; though he did hold the racecourse responsible for this.

A resident of Paddocks Lane echoed support for the racecourse; commenting that many residents had purchased their properties knowing the proximity to the racecourse.

A resident from Cleavelands Avenue thanked the council for introducing the ban for the distribution of leaflets, which had greatly improved the issue of litter in the town during race events.

Councillor Parsons addressed the committee. He thanked members for having agreed to consider this matter and highlighted that the two major issues for residents, were the toilet habits of racegoers and parking. Whilst the toilet issue had been discussed, this had centred on urinating but he claimed that residents also experienced people entering their gardens or block of flats and defecating, sometimes exposing themselves to residents and their families, children in some cases. Such issues, he advised, were impacting other wards including St. Marks, with Councillor Coleman, the ward councillor for that area, having made him aware of similar issues in and around the train station. The main concern for Councillor Parsons was that the Festival was the only racing event for which toilet provision was provided and yet he considered the need for toilets during other events to be evident, claiming that enough people attended the Open (in November) to justify some level of toilet provision. In terms of parking, the permit zones worked well and his residents had no complaints, but taxis' waiting in areas outside of the racecourse was an ongoing issue, particularly on New Year's Day when many residents had visitors. He suggested that unlicensed taxis were far less of a concern to residents than the toilet issue and suggested that the prioritisation of resources needed to be revisited.

Councillor Holliday, as the second ward member for St Marks commented that she had received no negative reports this year and commended Louis and his team for their hard work and commitment.

Another member disagreed with Councillor Parsons that the balance was inappropriate. He felt that it was entirely appropriate for the council to be focussing on identifying and preventing illegal activity, because whilst urinating and defecating was undoubtedly unpleasant, it did not endanger lives or public safety.

One member felt that neither the Police nor the council had the resources or budgets due to underinvestment. He also put forward that due to a lack of British Transport Police and the availability of alcohol on trains, an unacceptable number of people were arriving into Cheltenham already drunk and that these individuals should not be given the opportunity to reach Cheltenham, instead being removed at Birmingham, Bristol or Worcester. This member agreed that public urination was unpleasant and suggested that the use of hydrophobic paint, which bounced back on to an individual could act as a deterrent.

Before the committee moved on to discussing any possible recommendations, the Chairman sought clarification as to who paid for the toilets that were provided for the Festival. The committee were advised that the racecourse covered the cost of toilets up to Central Cross Drive, at a cost of approximately £8,000 and that the council met the cost of those in the town centre (approximately £1300).

David MacKinnon welcomed the positive feedback that had been given and assured members of his (on behalf of the racecourse) commitment to continued engagement. He confirmed that he would be happy to meet with Louis Krog and give consideration to providing toilets for the Open in November but stressed that New Year's Day was not at all comparable to the Open, attracting a completely demographic, of families. He took the opportunity to reiterate that arrangements for all events were considered retrospectively in order to identify improvements for future years and that this was done as a matter of course rather than simply if a particular issue had arisen.

Councillor Parsons thanked the committee for the opportunity to discuss this issue and was pleased that consideration would be given to the introduction of toilets for the Open in November 2017. He suggested that residents supported the racecourse without wanting to be part of the collateral damage.

Upon a vote it was unanimously

RESOLVED that David MacKinnon, the Regional Director of the Jockey Club and Louis Krog, the Business Support and Licensing Team Leader would give further consideration to the toilet provision for the Open in November 2017 and that Louis Krog would be asked to produce a briefing note which summarised the outcome of these discussions, for consideration by the committee.

5. NEXT STEPS

The committee would take no further action but did request a briefing from Louis Krog, the Business Support and Licensing Team Leader, which summarised the outcome of any discussions held with the racecourse in relation to the provision of toilets for the Open, in November 2017. The Business Support and Licensing Team Leader would inform and consult the relevant Cabinet Member (Cllr McKinley) on the matter going forward.

Chairman