

Licensing Sub Committee-Alcohol and Gambling

Tuesday, 27th February, 2018

2.00 - 2.25 pm

Attendees	
Councillors:	Pat Thornton (Chair), Mike Collins and Tim Harman
Also in attendance:	Donna Marks and Phil Cooper

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 the 15th February were signed as a correct record.

4. DETERMINATION OF AN APPLICATION FOR A PREMISES LICENCE

The Licensing Officer introduced the report. He explained that Garden Events Limited had made an application for a new premises licence in respect of Cheltenham Food and Drink Festival which is to be held in Montpellier Gardens. He advised the sub-committee that the company had been running the event in Montpellier gardens for the past 11 years. The licence application was for the period of 8th June 2018 to 21st June 2018; however, the event was to take place on the weekend of the 15th June. The proposed timings of the event were from 12:00–19:00 on the Friday, 11:00-19:00 on Saturday and 11:00–17:00 on Sunday. He reported that no objections had been received from the 9 responsible authorities, however, one objection had been received from a nearby resident. The Licensing Officer explained that whilst both the applicant and objector had been invited to attend the meeting only the applicant's representative Miss Andrea Soole was in attendance.

The Licensing Officer advised the sub-committee that in determining the application they must seek to promote the four licensing objectives which are: (a) the prevention of crime and disorder; (b) public safety; (c) the prevention of public nuisance; and (d) the protection of children from harm.

In determining the application the sub-committee were reminded that they could:

- Grant the application as applied for or subject to such changes and / or conditions as the sub-committee considers appropriate for the promotion of the licensing objectives; or
- Refuse all or part of the application.

The applicant firstly began by handing out a revised map of the proposed site. She explained that the revised map had been produced to show the location of the music stage.

Following questioning the Licensing Officer confirmed that there had been no previous recorded complaints of crime and disorder or public nuisance as a result of the Food and Drink Festival on the council's public protection corporate database.

The Members then proceeded to ask the applicant a series of questions. Miss Soole explained that:

- Garden Events Limited had applied for the licence for the period of the 8th – 21st June as they were likely to need this amount of time to put up and take down the site. She advised that careful consideration was given to the trees and surrounding area when erecting marquees.
- She reported that there would be security lights and 24 hour security on site throughout the period of the 8th-21st June.
- She confirmed that alcohol would be left on site over night as transporting it back and forth would cause more issues with regards to traffic and damage to the site. She again reiterated that security would be on site 24 hours to manage this.
- She advised that security lights would be used not flood lights as suggested in the report. These would be focused downwards and not cause any light pollution to nearby residents.
- Miss Soole couldn't confirm what the entry price would be but advised that it would be similar to last year which was £7 on the door, £6 online and children under 16 who were accompanied by an adult would be free.
- Miss Soole advised that careful consideration had not yet been given to the 'smoke free public places' legislation but confirmed that smoking would definitely not take place in the marquees but only in the outside spaces.
- They were predicting 20,000 attendees although this would be weather dependent.
- She explained that any damage to the site would be paid for by themselves and they would carry out any replanting as necessary.

One member proceeded to question Miss Soole on the lost child procedure, she confirmed that they would follow a set process and that any lost child would be taken by two members of staff to the medical office. The necessary forms would be filled in and measures would be taken to ensure the child is re-united with their parent or guardian. Members queried who the 2 members of staff would be and whether they would be DBS checked. Miss Soole advised that it would likely be herself and John Rhodes, the director who would be the two designated staff members, she was DBS checked but unsure as to whether Mr Rhodes was. One Member proposed that a condition be applied which requires any staff member who is likely to be in contact with children to have the necessary DBS checks.

The applicant advised the Licensing Officer that they would not be conducting any licensable activities i.e. the sale/supply of alcohol or the performance of live music outside of the 3 days on which the event was being held. Taking this in to account, the Licensing Officer reminded the sub-committee that whilst the

applicant was required to obtain a land use agreement for the whole period of the 8th-21st June they could just grant the licence for the 3 days when the festival was on.

The Chair proceeded to invite the sub-committee to vote on whether to restrict the licence for the 3 days in which the festival was in operation.

The sub-committee voted unanimously in favour of doing so.

The Legal Officer advised the applicant that they should seriously think about staffing and who would require the necessary DBS checks. She felt it was impractical that Miss Soole herself as event organiser and the director would be able to escort lost children on the day. The Licensing Officer confirmed that a basic DBS check can be completed online yourself which takes as little as 2 weeks or can be done through an overarching umbrella body which usually takes up to 5-6 weeks to complete. Miss Soole confirmed that they would undertake the necessary DBS checks as requested.

Miss Soole was then invited to have her final say, she noted the following:

- That the event had taken place over the last 12 years and they had had no major problems.
- Garden Events Limited always cooperated with the Council and tried to resolve any issues they may have.
- The music stage had been moved to minimise the disturbance to residents on Montpellier Spa Road.
- The music comes secondary to the cooking shows and other attractions at the event.

The sub-committee then proceeded to vote on section 7.5 of the report to grant the application subject to such conditions as the sub-committee considers appropriate for the promotion of the licensing objectives.

The sub-committee voted unanimously in favour of this resolution.

Resolved that

The licence be granted for the 3 days in which the festival was in operation subject to the condition that all staff who were likely to be in contact with children carry out the necessary DBS checks. The designated staff who were to escort lost children must also display visible signage so that they can be easily identified. The wording of this condition will be delegated to the licensing and legal officers to ensure it is practicable and enforceable.

The Legal Officer advised the applicant that they could appeal the decision within 21 days to the Magistrates.

Pat Thornton
Chairman