SCRUTINY TASK GROUP REPORT

NOVEMBER 2012

EVENT SUBMISSIONS

1.   INTRODUCTION

1.1   The '2010-2015 Corporate Strategy: 2011-12 action plan' includes the objective 'Arts and culture are used to strengthen communities, strengthen the economy and enhance and protect our environment'.

1.2   At the Council meeting on 24 February 2012 a number of individuals and organisations expressed their unease at a 'major' event being proposed in Cheltenham.

1.3   The Environment Overview and Scrutiny Committee noted that there was no robust process in place to safeguard communities and the town's reputation from possible adverse impacts of 'major' events which did not form part of the Cheltenham Festivals programme. It was apparent that event organisers were able to submit separate applications with little or no opportunity for member or public overview.

1.4   The committee requested a task group develop an 'event submission form' and establish a set of criteria for early identification of 'major' events (with timescales) and develop a process by which such 'major' events would be considered by all representatives appropriate for the event being proposed.

1.5   This report sets out the findings and recommendations arising from the scrutiny review by the scrutiny task group.

2.   MEMBERSHIP AND TERMS OF REFERENCE

2.1   Membership of the task group:-

- Councillor Penny Hall (Chair)
- Councillor Nigel Britter
- Councillor Diane Hibbert
- Councillor Anne Regan
- Councillor Diggory Seacome
- Councillor Klara Sudbury (new to the group in June 2012)
- Councillor Lloyd Surgenor (retired in May 2012)

2.2 **Terms of reference**

- To understand the requirement for organisers of events, which do not form part of the Cheltenham Festivals programme and which are likely to or will impact more broadly on the environment of Cheltenham, to prepare for an 'event submission'
- To recommend ways that this process could be improved to include criteria for the identification of a 'major' event and timescales
- To apply the process retrospectively to assess its effectiveness

As a consequence of discussions at the first meeting of the task group and an officer suggestion that a safety advisory group should be established to consider events in the borough, the following item was added to the ToR;

- A long term ambition for the review is to establish a Cheltenham based 'safety advisory group'.

3. WHAT DID WE DO?

3.1 The task group met on 6 occasions and spoke to a range of people involved with events in the council:-

- Trevor Gladding, Community Protection Team Leader
- Louis Krog, Business Support & Licensing Team Leader
- Sarah Clark, Public & Environmental Health Team Leader
- Owen Parry, Integrated Transport & Parking Manager
- Adam Reynolds, Green Space Development Manager
- Jeremy Williamson, Managing Director (Cheltenham Development Task Force)
- Grahame Lewis, Executive Director and sponsor of the task group
- Sara Farooqi, Solicitor One Legal

Officers were asked about their individual and/or service area role in relation to event applications at present and assisted members in the development of draft documents which would support new arrangements which it was hoped would result in a more effective and transparent process for event organisers, officers, councillors and member of the public.

3.2 Research into the event submission process at other authorities was undertaken and in particular those of our neighbouring authorities in Gloucestershire.

3.3 Officers were tasked with speaking to representatives from partner agencies on behalf of the task group;

- Gloucestershire Police Authority
- Gloucestershire Fire & Rescue
- Gloucestershire Ambulance Service
- Gloucestershire County Council or Highways

3.4 Members expressed thanks to members of the public who had welcomed this piece of work by scrutiny and those who had submitted information regarding the management of events at other authorities.

3.5 Members would like to thank all of the officers who attended meetings and contributed to the review and also thank those officers who provided support to the work of the group and in particular Saira Malin and Rosalind Reeves from Democratic Services.

OUR FINDINGS

4. CURRENT PRACTICE IN CHELTENHAM BOROUGH COUNCIL

4.1 The current practice in the council is set out in Appendix 2 and explained in more detail in the following paragraphs.

4.2 Cheltenham Borough Council has a legislative responsibility in respect of licensing public events and as such has a democratic public accountability. The Licensing Act 2003 has meant many smaller events can take place through serving a Temporary Events Notice although larger events still require licensing. Applications are normally administered by officers in accordance with the statutory provisions but will be referred to a licensing sub-committee if relevant objections are received from statutory Responsible Authorities or interested parties. Under the terms of the act these Responsible Authorities can include the Licensing Authority, i.e Cheltenham Borough Council, ward councillors, the police and the fire service amongst others.

4.3 Public and community events may be 'one-off' and may take place in venues such as local parks and gardens. In some cases there are already licences in place for the parks which permit certain events to take place within existing Land Use Agreements.

4.4 There is at present a 'parks events application form' which requires special event organisers to submit detailed information about their event in the form of an event plan, risk assessments, public liability insurance and where necessary, signpost event organisers to other Council departments or statutory bodies such as the police or licensing. Once these elements of the event application have been checked off, then the council will enter into a Land Use Agreement with the organiser consenting to the use of green space subject to detailed conditions including the restoration of damage to council land or property caused by the event. A land hire fee is also applied and legal fee where a bespoke agreement is required. There may be penalties if the terms of the land use agreement are broken, for example a request for the same event in the future may be turned down.

4.5 Environmental Health Services are sometimes consulted when either a licensing or park event application form is received which identifies event activities that could result in noise or the potential cause of public nuisance.

4.6 Submissions under the legislation covering temporary events which have an impact on the streetscape and highways are dealt with by the Integrated Transport and Parking Manager and his team and applications received are generally part of an event being held in one or more designated area (parks,

gardens and event venues). Interactions with event organisers are about enabling temporary events such as a parade or road closure and there is liaison between the highways authority, the police, event organisers and other key partners at all times.

4.7   In some cases a planning application may be required and would follow a statutory process similar to licensing with appropriate representations.

4.8   Officers from the council are in regular contact with their colleagues in other agencies so there is likely to be some informal liaison between them on significant new events. For example if an event organiser made an initial enquiry to Gloucestershire Highways about a road closure in Cheltenham, normal practice would be for the county to advise the district council about the potential event.

4.9   The task group noted that there were already many events which took place in Cheltenham on a regular basis. These often followed tried and tested procedures and so all the agencies involved were accustomed to dealing with them and knew exactly what needed to be done. These events were not specifically in the scope of this task group however it did become apparent during the review that there could be inconsistencies in the way these events were dealt with because of their historical nature. Ideally all events should be treated in the same way.

4.10   The task group noted that Cheltenham Racecourse currently had its own Safety Advisory Group to handle its race meetings. This SAG includes all relevant agencies including the borough council but is not run by the borough council.

4.11   We concluded that many different departments in different divisions of the council could be involved in the initial stages of assessing an event. During these early stages, the event organiser may make some contact with members of the Cabinet or senior management team to seek support for their event but there is no clearly defined process for informing ward councillors and the public.

Issues with current process

4.12   There were a number of issues with the current process;
- the event organiser may have to speak to several departments and complete several different forms which could be confusing
- the process could result in inconsistency in the way new and/or existing events are treated
- ward councillors may not be made aware about the event during the application process and do not have the opportunity to give their views
- the public feel there is little scope for them to give their views until it reaches a formal planning or licensing application stage
- although officers in the various areas do liaise with each other, there may be no single area of the council which has a complete picture and understanding of the full scope of the event.
- There may be impact on the public from events being held on private land

5.   **CURRENT PRACTICE IN OTHER AUTHORITIES**

        SAFETY ADVISORY GROUPS

5.1   A number of other authorities, including Gloucester City Council and Tewkesbury Borough Council, have established Safety Advisory Groups (SAGs) as a tool in planning the safety of community events and other similar public mass gatherings and are recognised as good practice.

Health and Safety Executive Guidance

5.2   The Health and Safety Executive produce guidelines and standard terms of reference for a SAG. In this guidance they say that "SAGs are usually, but not exclusively, coordinated by a local authority and made up of representatives from the local authority, emergency services and other relevant bodies. They meet at regular intervals, or when necessary, to review event applications and advise on public safety." It goes on to say that "SAGs do not have legal powers or responsibilities and are not empowered to approve or prohibit events from taking place. They provide independent advice to event organisers, who retain the legal responsibility for ensuring a safe event. (Individual representatives of organisations forming the SAG may have powers to require event organisers to comply with their legal obligations.)"

5.3   Their guidance acknowledges "It can be difficult to strike the right balance in deciding which events should be considered by a SAG. The guiding principle is that events presenting a significant public safety risk (whether in terms of numbers of people attending, or the nature of the event and/or the challenge of the environment) should be considered however, small events like village fetes, where large numbers are not expected and/or the event is routine in relation to the activity normally carried out, need not go to a SAG."

Gloucester City SAG

5.4   Gloucester City Council have recently introduced a SAG and we were keen to learn from their experiences. Officers at Gloucester City had initiated the process and the police had welcomed the formation of a SAG. It had taken a significant effort to set up the terms of reference and protocol and agree the process but all agencies had been able to sign up to the resulting documents. They had held their first meeting in June 2012 and were now planning meetings on a quarterly basis. The launch of the SAG was backed up by publication of information on the Council's website advising potential organisers of the process. Gloucester City - organising an event.

5.5   Officers commented that when they had first introduced the new system some regular event organisers had queried why they needed to fill in a new form but once the process was explained they were happy to support it. Gloucester City were keen to emphasise that the SAG could not refuse permission for an event to take place. However they could advise an event organiser that they would not be supporting an event and give their reasons and urge them to reconsider certain aspects.

5.6   The relevant officers and agencies attending the SAG could also make a formal representation in their own right if they had particular concerns about health and safety or noise for example. We noted that membership of the Gloucester City SAG did not include Councillors and this was typical of the

membership at other councils.

Events Submission Form

5.7   We looked at a number of other councils who had adopted an events submission form. The advantage of this was that the event organiser could submit all the information about their event on a single form which could then be considered by the council and other agencies.

6.   WHAT OPTIONS DID WE CONSIDER?

A TAKE NO ACTION

6.1   Members felt that to take no action was not an acceptable option. All Members could recount instances whereby event applications had been received and approved by the council and ward councillors were unaware until constituents had voiced concerns following receipt of marketing material for the event. Such instances had disconcerted councillors and members of the public.

B. ADOPT AN EVENT SUBMISSION FORM AND GUIDANCE NOTES

6.2   The event submission form would negate the need for separate applications (though subsequent applications would be required for particular aspects of an event). On receipt of an event submission form all relevant officers could decide which was the most appropriate service area to lead on this event given its nature. They would then become the point of contact for the event organiser during this stage of the process.

        The lead officer would make ward Councillors aware of all but minor events. They may have some informal contact with other agencies depending on the nature and extent of the event. Guidance notes were developed to guide event organisers through the process and it is envisaged that they would be available on the council's website. Whilst this option was considered to be an improvement to the current process, members had residual concerns that 'major' events should be discussed collectively to address any concerns and minimise any adverse impacts.

C. ADOPT THE EVENT SUBMISSION FORM AND GUIDANCE NOTES AND ESTABLISH AN EVENTS CONSULTATIVE GROUP (ECG)

6.3   This option was the preferred option of members of the task group who were of the opinion that this approach would be beneficial to all concerned (event organisers, officers, partner agencies, councillors and local communities). The reason for setting up this group was that it could for the first time look at a whole event and its impact on the town. From that position it would be appropriate for the group to form an overall opinion and for this to be taken into account moving forward.

6.4   The ward councillors involved in the ECG could keep the public and local interests groups informed of any potential events and represent their views. There should also be a process for keeping neighbouring councils involved

where the event was close to their boundaries and may have an impact. They should be encouraged to do the same for Cheltenham.

6.5   Terms of Reference were drafted based on those produced by other authorities and proposed core membership would comprise of senior officers (or their representatives) drawn from;

Cheltenham Borough Council
- Public Protection
    - Licensing department
    - Environmental Health
    - Community Protection
- Parks department
- Building Control
- Integrated Transport
- Corporate Health and Safety

Along with
- The Licence holder and/or event organiser and
- Ward councillors

6.6   Initially the task group envisaged that other agencies such as the police would be involved in the Events Consultative Group. However when officers approached other agencies with our draft proposals, the police responded that the ECG was not something that they could support as they viewed it as very much an internal group to the council. In the same response they did say that the police were very supportive of Safety Advisory Groups which already existed in other districts in Gloucestershire but not in Cheltenham.

6.7   As community representatives, the task group's vision for the ECG was that it it would have some 'teeth' and be in a position to influence whether or not an event should go ahead. The advice we received from officers in One Legal was that the ECG as a body would have no legal standing to make representations to Council committees in its own right as they did not fall under the definition of an interested party/Responsible Authority. Hence the ECG as a body could not make a representation to Licensing Committee or Planning Committee when the relevant applications for an event were considered.

6.8   We had further discussions with One Legal to clarify the legal position and in the course of these discussions they were able to suggest an alternative option. In the case of licensing, we were advised that the Licensing Authority could make representations that reflected the views of the ECG including suggesting conditions they might want to impose. Similar representations could be made on behalf of Environmental Health, Health and Safety or Planning by the relevant officers. .

6.9   In practical terms this would mean that an officer attending the ECG could make representations provided they were relevant. i.e an officer could not put forward artificial objections just because the ECG did not support the event for other reasons. The same applies to representations to the Planning

Committee.

6.10 Officers also advised us that in this situation, the officer making the representation could not then be the officer advising the committee on the application. Councillors on the ECG would also need to be careful about declaring an interest if they subsequently sat on the committee considering such an application.

6.11 The benefits of an ECG would be that ward councillors would be better informed, event organisers would have a simpler process to follow and there would be a more joined up process across the council for dealing with events. The process would be much more transparent and although the group did not have the power to veto an event, they could make officers aware of their views and opinions on the suitability of the event.

6.12 It was very apparent to the working group that there was still a need to formally involve other agencies when large or significant events were proposed for Cheltenham. We would expect there to be informal consultation with other agencies by our officers but for larger events this needed to be on a more formal basis, hence our consideration of a Safety Advisory Group or SAG.

D. FORM A CHELTENHAM SAFTEY ADVISORY GROUP (SAG) FOR LARGE OR SIGNIFICANT EVENTS

6.13 Given that the police and other agencies had already indicated their support for local authority SAGs, we explored this option.

6.14 If an event was major and was likely to have a significant requirement for coordination by other agencies, the events admission form could be referred to a SAG set up and administered by the local authority.

6.15 As the process had already been agreed for Gloucester City and Tewkesbury Borough Council we saw no reason for reinventing the wheel and requested officers to draft proposals based on their terms of reference and protocols.

6.16 We noted that membership of SAGs usually consisted of relevant officers from the organisations involved and we were concerned that this was a lost opportunity for ward councillors to raise their awareness of events. Therefore we would recommend that the Cheltenham SAG does permit councillors to attend as observers.

6.17 Although the SAG would represent a major step forward in managing major events, it may still bypass the consultation with ward councillors and raising public awareness that the task group wish to put in place.

E. A PROCESS COMBINING THE EVENT SUBMISSION FORM, AN ECG AND A SAG FOR LARGE EVENTS

6.18 Having considered all the options, the task group recommends that the Council adopts a combination of C and D and this is illustrated in Appendix 3.

6.19 The task group acknowledges that the success or otherwise of this process will be very dependent on the ability to judge whether an event is small or large/significant and hence should be considered by the ECG and/or a SAG. It would be impractical for every event request to be considered by an ECG and therefore guidelines and procedures will need to be drawn up to support administrative staff carrying out the initial assessment. The process will also need to be clearly set out for potential event organisers and supported by information on our website. With the new commissioning structure within the council, officers will need to assess the best place to receive the Events submission form. We have suggested it should lie in the business support area of Public Protection.

7. CONSULTATION

7.1 During the course of this review we have consulted widely with officers involved in this issue. Officers have been invited to attend our meetings and comment on our proposals at every stage. They welcome the events submission form which will help streamline the process for handling events and have indicated they would be happy to support the concept of member involvement via the ECG. They would also welcome having a more formal process for working with the other agencies on major events which would be provided by a SAG.

7.2 The results of initial consultation with the police and other agencies on an Events Consultative Group is referred to in section 6.6 of the report. We would envisage further consultation with all relevant agencies as part of the implementation of a SAG.

7.3 The Cabinet Member Housing and Safety attended our fourth meeting and had the opportunity to take part in the discussion regarding our proposals and review the final draft of our report. He was very keen to have the detailed procedures in place to support the process but acknowledged that these could be drawn up as part of the implementation of the recommendations assuming they were agreed by Cabinet. He has also discussed the possibility of using the event submission form as a pilot for forthcoming events.

8. RECOMMENDATIONS

8.1 The Events Submission scrutiny task group therefore recommends that Cabinet;

a) Establishes an Events Consultative Group and adopt the Terms of Reference set out in Appendix 4 *

b) Adopts the guidance note in Appendix 5 * and the event submission form in Appendix 6 *

c) Creates an information page on the Council's website to assist event's organisers and the public

> **d) Liaises with other agencies to establish a Safety Advisory Group for Cheltenham as set out in the terms of reference in Appendix 7***
>
> **e) Consider the inclusion of relevant councillors as observers on the SAG.**
>
> **f) Produce detailed procedures and guidelines to support the operation of this new process**
>
> * in agreeing the terms of reference for the ECG and SAG and the events admission form and guidance notes, we acknowledge that during the implementation of the recommendations it may be necessary for officers to make some amendments as they develop and enhance the events process.

9. PROGRESSING THE SCRUTINY RECOMMENDATIONS

9.1 The task group acknowledges that more work will be required by officers to set up the appropriate processes and documentation to support the recommendations in this review. It has been suggested that whilst this work is in progress be events admission form and guidance note could be piloted to seek feedback on its use.

9.2 We have purposefully not been too prescriptive as we feel officers are in the best position to work out the optimum process which will work for them in practice, for the other agencies involved and give the members the involvement they want as set out in this report.

9.3 Members are satisfied that the ECG and ToR and guidance notes will go some way to raising awareness of events and timely liaison with event organisers.

9.4 We would welcome a debate at Council on this report once it has been endorsed by the Overview and Scrutiny Committee as we feel this is an issue which affects all members and therefore we would like to hear their views. The next meeting of O&S is on 10 January 2012 followed by Cabinet on 15 January. The next meeting of Council is on 17 December so O&S will need to consider what route they want this report to take.

9.5 Assuming our recommendations are accepted by Cabinet, we would request that the task group to be kept informed of developments and we would carry out a review of the implementation of our recommendations after a period of six months.

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Appendices	1. The One page strategy for this review 2. Diagram of current procedures 3. Diagram of recommended future procedure 4. ECG Terms of Reference 5. Event submission guidance and flowchart 6. Events submission form 7. SAG Terms of Reference and membership
Background information	1. None