



LICENSING SUB-COMMITTEE

MEETING : Monday, 17th December 2012

PRESENT : Cllrs. C. Witts, Lugg and Porter

Also in Attendance

Lisa Jones, Food Safety and Licensing Service Manager
Richard Barnett, Licensing Officer
Steve Isaac, Solicitor
Lloyd Griffiths, Environmental Protection Team Service Manager
Anthony Hughes, Democratic Services Officer

17. ELECTION OF CHAIR

Councillor Porter was elected as Chair.

18. INTRODUCTIONS AND PROCEDURES

The Chair introduced the Members of the Sub-Committee and officers in attendance and asked the Applicant and other parties to introduce themselves at the appropriate time. The Chair explained the procedures that would be followed during the meeting which were also summarised in Appendix E to the report.

In addition to the Members of the Sub-Committee and Council officers in attendance the following were present:

Mick Thorpe, Group Manager Planning and Economy – Representing Applicant, Gloucester City Council

Sheila McDaid, Markets and City Centre Service Manager – Representing applicant Gloucester City Council

John Osborne - Resident
Joan Page – Resident

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19. DECLARATIONS OF INTEREST

There were no declarations of interest.

20. APPLICATION UNDER SECTION 17 OF THE LICENSING ACT 2003 IN RESPECT OF HEMPSTED MEADOW, SECUNDA WAY, HEMPSTED, GLOUCESTER, GL2 5GA

The Licensing and Enforcement Officer presented a report detailing an application by Gloucester City Council for a new premises licence at Hempsted Meadow, Secunda Way, Hempsted, Gloucester, GL2 5GA under Section 17 of the Licensing Act 2003. The application was for regulated entertainment and late night refreshment.

Details of the application are referred to in Appendix A to the report.

The Sub-Committee had also received the following information –

A plan showing the layout and location of premises – Appendix B
Planning restrictions relating to the site – Appendix C
Copy of Representations from Residents – Appendix D
Procedure to be followed at a Hearing – Appendix E

The Licensing and Enforcement Officer referred Members to Appendix D which detailed representations received from 9 residents which primarily related to a perceived propensity for an increase in public nuisance should the licence be granted.

The Licensing and Enforcement Officer summarised the application and referred Members to the relevant sections of the City Council's Licensing Policy Statement.

Members were advised that having considered the application, any relevant representations, the legislative provisions, the Council's Statement of Licensing Policy and the Home Secretary's Guidance, they had the following options as considered appropriate and proportionate to the promotion of the Licensing Objectives.

- (a) To accept the application and attach conditions as consistent with the operating schedule.
- (b) To accept the application and modify the conditions of the license which includes altering, omitting and adding new conditions.
- (c) To reject the whole, or part of the application.

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The Sub-Committee was reminded of the City Council's licensing objectives:-

- (a) The prevention of crime and disorder
- (b) Public Safety
- (c) The prevention of public nuisance
- (d) The protection of children from harm

Statement by the Applicant

Mr Thorpe commented that the reason for the application had two objectives, to enable the Council to stage events that would generate an income and to provide flexibility for events to be staged over the year run by others.

Mr Thorpe further commented that as applicant, officers would respond positively to the conditions recommended by Environmental Health and the Police. As part of the application, the cessation time of 1.30am as part of the late night refreshment application was an exception to the cessation times applied for in respect of other days of the week, namely 22.00 hrs Sunday to Thursday and 23:00 hrs Friday and Saturday. He stated that agreement had been reached to reduce the number of events permitted in a year to 12 instead 28, events having also to be 10 days apart.

In answer to a question from Mrs Page, Mr Thorpe reiterated that the New Years Eve event was a one-off activity. The responsibility for ensuring compliance with conditions rested with the promoter of the event and there was always a market officer available on 24 hour call out. There was a special phone line to the event organiser as part of the recommended conditions to the licence if granted.

The Licensing and Enforcement Manager commented that in addition to contacting the Environmental Health call out service, the Police could also be contacted if it was considered there to be a breach of licensing conditions.

The Licensing and Enforcement Manager also clarified that under delegated powers a temporary events licence had been granted for the sale of alcohol, there being no objections from Environmental Health or the Police. The Legislation did not provide for residents to be consulted over applications of this nature.

Councillor Witts enquired of the methods for judging an acceptable noise level.

Mr Griffiths was invited to address the Sub-Committee. He commented that if in the opinion of Environmental Health an event was of a type that warranted close supervision, then on-site presence would be available through the duration of the event the operator would appoint their own noise consultant and equipment would be used to gather a noise imprint which would be available to Environmental Health for inspection.

Mr Osborne commented that one of the concerns of residents is that the Police would have insufficient resources to 'police' the event.

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In answer to a question from John Osborne, Mr Griffiths commented that Environmental Health would monitor the noise records. If Environmental Health considered there to be a problem, powers were available to serve a constraining notice.

In answer to a question from Mrs Page, Mr Griffiths commented that the restrictions applied to the business in the vicinity of Hempsted Meadows were greater because it was a 365 day operation.

Statements by Persons making Representations

John Osborne, representing the Hempsted Resident's Association, expressed concerns regarding litter on the site, concern that had previously been raised with the City Council. He referred to the provisions of the Environmental Protection Act 1990 (as amended) and, notwithstanding that the City Council owned the land at Hempsted Meadow, the City Council as local waste authority had a duty to collect and dispose of waste from the site. In particular Mr Osborne referred to Part IV of the Act and the duty of a land owner to maintain land to acceptable standards; he commented therefore that the City Council had responsibility to keep the Hempsted Meadow site clean. He stated that he had photographic evidence collected over the past 3 weeks which showed the extent of litter and rubbish on the site. He questioned that if a licence was granted, how would it be determined if it was the Council as landowner or as licence holder 'owned' which litter from various events on the land and associated responsibilities for clearing.

The Chair commented that the issues that had been made would be taken into consideration when the Sub Committee takes its decision.

Joan Page raised concerns regarding car parking and the ground conditions particularly the grassed area identified as an overspill car park which was currently waterlogged.

Mr Thorpe commented that there will be an event Plan and it was envisaged that for the New Year more reliance would be placed on taxis.

Councillor Jan Lugg questioned the adequacy of parking restrictions along Secunda Way in the vicinity of the site.

John Osborne commented that he had observed problems of traffic queuing several hundred yards on Car Boot Market days waiting for the site to open at 6.00 am.

Summing Up

The Licensing and Enforcement Officer made a closing statement and reminded Members of the options open to them.

The Applicant indicated they had nothing further to add.

The persons making representations indicated they had nothing further to say.

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The Decision

The Members of the Sub-Committee withdrew to reach their decision.

RESOLVED

To grant the application in accordance with the Operating Schedule, Gloucestershire Constabulary Conditions and Environmental Protection Conditions set out below and two additional conditions –

Gloucestershire Constabulary Conditions

1. A minimum of 12 weeks prior to any major event (a major event being defined as an event that has a capacity over 499 persons within the venue at one time) the Constabulary's Licensing Manager shall be notified of the event in writing (or by e-mail) and be provided with an Event Safety Plan detailing risk assessments, security measures, crowd management plans, and traffic management plans. (The organiser should note that Gloucestershire Constabulary will not assume responsibility for security arrangements or traffic management of the event unless prior arrangements have been made with the Chief Officer of Police and that such provision may incur costs to the organisers.)
2. For every major event (being over 499 persons) the risk assessment shall be conducted in consultation with the Safety Advisory Group (SAG). If a traffic regulation order is considered necessary by the events co-ordinator, Police or SAG for the safe movement of public to and from the venue, then an application will be submitted within the time limits.

Where this licence is used in conjunction with a Temporary Event Notice in order to permit the sale or supply of alcohol at the event, the following conditions shall also apply:

1. Where any event extends beyond 2300 hours, Registered Doorstaff shall be provided from the time that the Bar opens until the last customer has dispersed. Doorstaff shall be supplied at a ratio of 1:100 customers and be subject to a minimum of two. Doorstaff shall wear an item of high-visibility clothing in order to facilitate their rapid identification.
2. CCTV shall be provided by means of at least two body-worn cameras (worn by Doorstaff) and one of these shall operate predominantly in the Bar Area. Footage from these cameras shall be retained for a minimum of 14 days and be made available to any authorised officer of the Police or Licensing Authority within three days upon reasonable request. Signage shall be clearly displayed to the effect that CCTV equipment is in operation to promote security and customer safety.

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3. Access to the Bar Area that is licensed by the Temporary Event Notice shall be controlled by doorstaff, and alcohol shall be consumed in the area covered by the TEN except that, in addition, it may be provided by waiter/waitress service to customers who are seated at tables for the purpose of dining.
4. Only Polycarbonate, disposable plastic or toughened glass drinking vessels are to be used for the supply of alcohol.
5. Customers shall not be permitted to bring their own alcohol to any event.

The proposed conditions above agreed between the applicant and the Police prior to the end of the period for receiving representations will replace any similar steps intended to promote the four licensing objectives as set out in the operating schedule.

Environmental Protection Conditions

1. Where any event covered by this Premises License involves the amplification of sound or the generation of any other type of sound that is audible off the site for extended periods then the following information is to be submitted at least 12 weeks prior to the event taking place: -
 - Description of event
 - Date and duration of event
 - List of identified noise sources
 - Location of noise/sound making equipment
 - Noise management strategy (including noise mapping of event if deemed relevant by Environmental Health)
 - Event organizers contact details including site details for event day (including addresses)
 - Sound engineers / sound company contact details (including addresses)
 - Details of how complaints will be dealt with from members of public during the event
2. For live and amplified outdoor music events of 5 hours duration or more (advertised start – finish time) or for any other event as it is deemed necessary by Environmental Health, a competent and professional noise consultant (Member of the Institute of Acoustics) shall be employed by the licensee or event organizer in order to oversee noise monitoring and noise management at the event to the satisfaction of Environmental Health.

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3. Music noise level shall not exceed 65dB(A) over a 15 minute period as measured 1 metre from the façade of any noise sensitive premises.
4. The music noise level shall not exceed 75dB(a) in either 63Hz or 125Hz octave frequency band at the façade of any noise sensitive premises.
5. On Sundays through to Thursday all outdoor regulated entertainment shall not start before 12:00 midday and finish by 22:00hrs. On Fridays and Saturdays all outdoor regulated entertainment shall not start before 12:00 midday and finish by 23:00hrs.
6. There shall be no more than 12 events (consisting wholly or partly of a licensable activity) held on this premises each year and none within 10 days of each other. Furthermore there will be no more than 2 events held in any calendar month.
7. The licensee or event organizer shall advertise and operate an attended complaint telephone number (where deemed necessary by Environmental Health) through which noise complaints can be channeled and responded to. All complaints received through this channel shall be dealt with immediately. Should the music noise level found to be breaching Conditions 2 and or Condition 3 the level shall be reduced accordingly. A written record of all complaints shall be kept and be made available for inspection by an authorised officer of the Local Authority.
8. The licensee or event organizer shall provide written notification to all noise sensitive dwellings in the locality (as specified by Environmental Health) not less than 14 days before a planned event involving amplified music is scheduled to take place.
9. The licensee shall ensure that the promoter, sound system supplier and all individual sound engineers are informed of the maximum permissible music noise levels and that they are correctly adhered to. Confirmation and a record of notifications shall be forwarded onto Environmental Health 12 weeks prior to the event.
10. All litter and waste resulting from any licensable activity shall be cleared from the site within 12 hours of the event closing to the satisfaction of this Council.
11. Litter patrols within and around the boundary of the site shall be carried out hourly during licensable activity and litter cleared as and when found.

Additional Conditions

Vehicle Parking

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1. For any event, if ground conditions are such that the “overspill” car park on the site cannot be used, the Authority or event organiser must either seek alternative off street parking or the event is to be cancelled

Litter and Refuse

2. Prior to the commencement of any event the Authority must ensure the site is presented in a condition to an appropriate standard required by any Regulations and Guidance issued under the Environmental Protection Act 1990 (as amended) in respect of refuse and litter.

Reasons

The Sub-Committee accepted that the Operating Schedule, together with the Conditions agreed between the applicants and the Police and the Conditions agreed between the applicants and Environmental Protection, with the addition of two more Conditions, would achieve the 4 Licensing Objectives. The two additional Conditions were as a result of representations made by residents.

The first additional Condition, dealing with car parking on the site, was to address a concern by residents that the organiser not being able to use the “overspill” car parking areas on the site, when it might reasonably be assumed that this would result in nuisance road parking in residential areas in the vicinity of the site.

The second additional Condition, dealing with the clearing of litter and refuse, was to address a concern by residents that a uniform standard needed to be in place before an event, so that the same standard would be achieved after the event and there was no ambiguity as to the origins of litter and refuse.

Time of commencement: 10:20 hours
Time of conclusion: 11:45 hours

Chair