

MINUTES of the meeting of Regulatory Sub Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 5 August 2009 at 4.00 pm

Present: Councillor Brig P Jones CBE (Chairman)
Councillors: JW Hope MBE and A Seldon

In attendance: Councillors CM Bartrum

15. ELECTION OF CHAIRMAN

Councillor P Jones CBE was elected as Chairman for the Regulatory Sub-Committee hearing.

16. APOLOGIES FOR ABSENCE

No apologies for absence were received.

17. NAMED SUBSTITUTES (IF ANY)

There were no substitutes present at the hearing.

18. DECLARATIONS OF INTEREST

There were no declarations of interest made.

19. APPLICATION FOR A NEW PREMISES LICENCE 'THE JAMSTAND 2009, CAROLINE SYMONDS GARDENS, ROSS-ON-WYE.' (Pages 1 - 6)

The Regulatory Sub-Committee was convened in order to determine an application for a new premises licence in respect of The Jamstand 2009, Ross-on-Wye. The application was submitted in accordance with Section 51 of the Licensing Act 2003.

The Chairman introduced the Members and Officers and asked any interested parties to introduce themselves. He advised them of the hearing procedures and asked if any party required an extension to the 10 minute time limit for public speaking, no extensions were requested.

The Licensing Officer presented the report and advised members that the applicant had agreed to all of the conditions recommended by the environmental health department.

PC Steve Thomas advised members that this was a difficult application for the police. He stated that 2 years ago the event operated under a TEN and around 200 people turned up. Last year the event also operated under a TEN but around 1500-2000 turned up, considerably more than the 499 people permitted under a TEN. He went on to add that after reading the Jamstand website it was apparent that more than 499 people were expected this time, with police estimating numbers of between 3000 and 4000.

He advised members that police officers had to intervene at the end of the previous years event as the bands over ran. A number of intoxicated people were not happy about police turning off the music and made their feelings known.

PC Thomas stated that the application was submitted in early June but that the police were not happy with it as it was deemed to be inadequate as it contained no details of control measures and Section P of the application form did not contain enough information under the prevention of crime and disorder. Since then the applicant has submitted an Event Management Plan which has been revised a number of times. He added that the Police still had concerns relating to the number of attendees and control measures as the organisers have no idea how many people will attend. He also felt that the plan submitted with the application form was not acceptable. Mr J Baldus produced a signed and dated receipt from the West Mercia Police confirming that an A1 site plan had been received by the police on 13 June 2007, PC Thomas stated that this document had not been passed to him.

PC Thomas felt that the proposed number of stewards was insufficient. He noted that the proposal was to have two stewards at the bar, two at the dance tent, leaving two stewards to cover the rest of the site. He advised members that the event had not been the subject of organised Policing in the previous 2 years and that the applicant's risk assessment stated that they did not need police on site this year.

He went on to voice concerns over the proposed escape route from the site as it passed the river which in his opinion was a danger. He was also concerned that the current Event Management Plan moved the location of the two tents which altered the application significantly.

Finally he requested the following additional condition in addition to the conditions suggested in his representation:

Event takes place in accordance with the event management plan submitted today and also in accordance with the risk assessment.

In response to a question from Mr P Baldus, PC Thomas confirmed that the requested security fence was required to control the number of people on the site and also to clearly define the licensed area. A further discussion took place regarding the merits of an enclosed security fence.

Mr J Baldus advised members that a brass band were playing at the Bandstand the day after the Jamstand event, he also stated that Ross carnival and the classic car show both used the site without being subject to the conditions recommended by the police. PC Thomas advised members that the events mentioned by the applicant attracted a very different clientele to the Jamstand. He also added that the Bandstand was already licensed for non amplified music so the brass band would not have required a licence.

Mr Porter, a local resident who had made a valid representation in respect of the application addressed the Sub-Committee. He advised members that he had attended the Jamstand event in 2008. He added that he had some reservations in respect of the site location but on balance he supported the application as the hours had now been amended.

Miss Drake-Lee, speaking in support of the application, addressed the sub-committee. She advised members that she estimated that 2000 people would attend the event over the course of the whole day with considerably less than that being on site at any one time. She advised members that the 20 stewards were experienced, SIA registered staff who would also be stewarding the area next to the river as well as the main entrances. She confirmed that Wye Street would be closed for the event and that people would be directed to one of two main entrances. In respect of controlling numbers she added that it was a free event and it was difficult to predict the number of attendees as it would vary due to weather conditions and other factors. She did however state that if the number of

attendees got too high the music would be stopped in order to allow people to move away from the site. In response to other points raised by the police and environmental health she confirmed that litter collections would take place regularly, that there would be two emergency response vehicles available and that all staff working with children had been CRB checked.

Mr Peter Baldus addressed the sub-committee in support of the application. He voiced his concerns in respect of the police representation and felt that his son, Jack Baldus, had addressed all of the reasonable concerns raised by the responsible authorities. He noted that the event had taken place previously with no arrests or disorder. He felt that the police recommendation of a boundary fence was unreasonable as the event was non profit making, he also felt that a boundary fence could cause more safety issues than an open site.

Councillor C Bartrum speaking on behalf of the applicant addressed the sub-committee. He advised members that the event had been held in Ross-on-Wye for the previous 2 years with no problems. He felt that it was a family event and was safe, secure and fun. He felt that the applicant had co-operated with all reasonable requests by the responsible authorities and also noted that the Town Council were in support of the application. In summing up he felt that the application had been submitted with the co-operation of all parties and that it should be approved.

Mr Jack Baldus, the applicant, addressed the sub-committee in support of his application. He stated that he had learnt lessons from the previous event and had therefore organised toilets on the site as well as regular litter collections. He also advised Members that a stage manager would be on site to ensure the event did not run over the allotted time as had occurred previously. He felt that all of the issues raised by the responsible authorities had been addressed in the Event Management Plan and therefore requested that the application be granted.

The Sub-Committee retired to make their decision and requested that the Legal Practice Manager and the Democratic Services Officer retire with them to offer legal and procedural advice.

RESOLVED

That the application for a new premises licence in respect of Jamstand 2009, Caroline Symonds Gardens, Ross-on-Wye, be approved subject to any conditions detailed in the attached decision notice.

The meeting ended at 6.45 pm

CHAIRMAN



HEREFORDSHIRE COUNCIL

**REGULATORY COMMITTEE DECISION NOTICE
(THE LICENSING ACT 2003)**

PREMISES	The Jamstand
APPLICANT'S NAME	Mr J Baldus
APPLICATION TYPE	New (Limited Time) Premises Licence
PANEL MEMBERS	Councillor P Jones CBE (Chairman) Councillor JW Hope MBE Councillor A Seldon
DATE OF MEETING	5 August 2009

Members of the Licensing Panel of the Council's Regulatory Committee considered the above application, full details of which appeared before the Members in their agenda and the background papers.

Prior to making their decision the Members heard from the applicant and his supporters, together with one of the interested parties who had made a representation in respect of the application.

Having carefully considered those matters brought before them, the Committee were of the opinion that the application should be **granted subject** to the conditions appearing below. In reaching their decision, the Members had full regard to both the provisions of the Licensing Act 2003 and the Council's Licensing Policy. The Members imposed conditions in order to promote the four licensing objectives, namely the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

HOURS OF LICENSABLE ACTIVITY

	Live/Recorded Music, Dance (E,F,G)	Prov. of Facilities for Making Music / Dancing (E,F,G)	Sale of Alcohol (M)	Open to the public (O)
Monday				
Tuesday				
Wednesday				
Thursday				
Friday	1330 - 2400	1330 - 2400	1200 - 2300	1200 - 0100
Saturday	1200 - 2400	1200 - 2400	1200 - 2300	1100 - 0100
Sunday				

HEREFORDSHIRE COUNCIL**REGULATORY COMMITTEE DECISION NOTICE
(THE LICENSING ACT 2003)****CONDITIONS**

The application was granted in respect of the hours of operation of the licensable activities described in the box above together with the following conditions

- The mandatory conditions of The Licensing Act 2003.
- All conditions proposed by the applicant under section p of the application form.

PREVENTION OF CRIME AND DISORDER

- The licence holder provides no less than 12 SIA registered security staff on the premises site to monitor the suitability of those entering and to prevent numbers exceeding the limits set, by way of the licence, the fire risk assessment, and event risk assessment.
- The licence holder to submit a schedule of the times, locations, roles and responsibilities of the SIA registered staff deployed on site, based on the risk assessment.
- The licence holder to submit a schedule of the times, locations, roles and responsibilities of the stewards deployed on site, based on the risk assessment.
- The licence holder subject to any requirement outlined in the Event Management Plan, make provision for sufficient police officers to be on the site, in agreement with the West Mercia Police, and that the cost of these officers is borne by the licence holder.
- The overall number of stewards for the event shall be no less than 27.
- Adequate communications between stewards and organising staff be in place at all times.

PREVENTION OF PUBLIC NUISANCE

- The extended finished time for music on Saturday 8th August 2009 until 01.00. will, in my opinion, increase the potential for complaints from members of the public from noise sensitive dwellings. The finish time on Friday 7th August 2009 of 24.00 is adequate. The Saturday finish time for music should therefore be limited to 24.00 the same as the Friday night.
- The policies and procedures contained within the Event Management Plan and operating schedule must be affectively implemented.
- Noise levels arising from the event, when measured at the nearest noise sensitive dwellings shall be as follows:

HEREFORDSHIRE COUNCIL**REGULATORY COMMITTEE DECISION NOTICE
(THE LICENSING ACT 2003)**

Between 13.30 and 23.00 hours live music and recorded music noise levels (LAeq) must not exceed the background noise level (LA90) by more than 15 dB.

Between the hours of 23.00 and 24.00 live music and recorded music noise levels (LAeq) shall not exceed the background noise level (LA90) by more than 10 dB.

- The Licensee must provide an information leaflet drop to nearby residents informing that of the nature and duration of the event and a contact telephone number for reporting complaints and emergency situations during the event.
- The Licensee must immediately comply with any requests to reduce or adjust noise levels made by an office of the Council or the Police.
- All rubbish must be stored in appropriate containers. Such containers must be sufficient in number and suitably located around the site.
- No waste must be burnt on site before, during, or after the festival. All waste produced from the site must be collected and disposed of by a licensed authorised waste company.
- A suitable and sufficient number of closets, urinals and disabled toilets, shall be provided in accordance with the recommendations found in the "Event Safety Guide" ISBN0717824536.
- All sanitary conveniences and facilities must be regularly maintained, repaired and serviced using suitable experienced, competent workers, throughout the licensed event, to ensure that they are kept safe, clean and hygienic. Arrangements must be made for the rapid clearance of any blockages and for the emptying of waste tanks as necessary.

PUBLIC SAFETY

- The Event shall take place in accordance with the Event Management Plan produced for the Event and agreed with the Responsible Authorities. No significant alterations to the site layout or entertainment activities provided on the site that could affect the organizers ability to fulfil the four licensing objectives must be made without prior notification to and approval by the responsible authorities.
- All electrical installations and equipment are to be provided in accordance with the advice and guidance outlined in the Event Safety Guide [ISBN 0 7178 2453 6].
- On completion of electrical installations on the site, and prior to commencement of the event, a competent person must sign-off all electrical installations as safe.

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(THE LICENSING ACT 2003)**

- A satisfactory completion certificate must be provided by a competent person for all temporary demountable structures in the entertainment area prior to the start of the event.
- The maximum permitted numbers, in all tented structures where regulated entertainment is provided, must be agreed by Environmental Health prior to first use.
- Suitable means of regulating the number of persons present, in the tented structures at any time when used for entertainment, must be included in the Event Management Plan to the satisfaction of Environmental Health.
- The licensee must nominate a person to manage each tented area whilst open to the public and that person shall, on request of an authorised officer, demonstrate the means of regulating numbers.
- A sufficient number of stewards must be provided in all entertainment areas to the satisfaction of Environmental Health.
- All stewards must be fit to carry out their allocated duties, aged 18 years or over and must not consume or be under the influence of alcohol or other drugs.
- All stewards must be trained, briefed and equipped (including appropriate PPE) to a standard that reflects their responsibilities.
- All stewards must to be readily identifiable by the wearing of distinctive tabards (or similar).

PROTECTION OF CHILDREN FROM HARM

- The policies and procedures contained within the Event Operating Schedule must be effectively implemented.
- Proven methods must be employed by the prevention of unlawful supply, consumption and use of alcohol, drugs and other products which is illegal to sell to children.
- No person of the age of 18 years old must be allowed to serve alcohol within the premises without the written permission of the Council.
- Staff must ensure sight of evidence of age from any person appearing to those engaged of selling or supplying alcohol to be under the age of 18 and who is attempting to buy alcohol.
- Staff engaged at the information point or the lost/found child point are CRB checked.

HEREFORDSHIRE COUNCIL**REGULATORY COMMITTEE DECISION NOTICE
(THE LICENSING ACT 2003)****INFORMATIVE NOTE**

- The provisions of the supplied Event Management Plan and the Risk Assessment remain unaltered.

APPEAL INFORMATION

Under Schedule 5 Section 2, the applicant or any party making representation may appeal against the decision. Section 9 states that such an appeal must be made to the Magistrates Court within a period of 21 days from the date that the applicant is notified in writing of the decision.

Should you wish to appeal this decision then it is recommended that you obtain your own legal advice or contact the Magistrates Court at Bath Street, Hereford.

