

MINUTES of the meeting of Regulatory Sub Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 7 July 2010 at 10.00 am

Present: Councillor JW Hope MBE (Chairman)

Councillors: PGH Cutter, SPA Daniels and JHR Goodwin

In attendance: Councillors G Lucas

6. ELECTION OF CHAIRMAN

Councillor JW Hope MBE was elected as Chairman for the Regulatory Sub-Committee hearing.

7. APOLOGIES FOR ABSENCE

No apologies for absence were received.

8. NAMED SUBSTITUTES (IF ANY)

Councillor SPA Daniels attended the hearing as a substitute for Councillor PGH Cutter who had declared a prejudicial interest in respect of agenda item 5.

9. DECLARATIONS OF INTEREST

5. APPLICATION FOR A NEW OCCASIONAL PREMISES LICENCE 'ROSS COUNTRY AND WESTERN FESTIVAL 2010'.
Councillor G Lucas, Prejudicial.

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10. APPLICATION FOR A NEW OCCASIONAL PREMISES LICENCE 'ROSS COUNTRY AND WESTERN FESTIVAL 2010' (Pages 1 - 4)

The Sub-Committee were required to hear and determine an opposed application for a new premises licence for Ross-on-Wye Country Music Festival. The Chairman introduced the Sub-Committee and Officers and confirmed that all Members had received the background papers. He then asked any interested parties attending the hearing to make themselves known. The presence of the Environmental Protection Manager, who had submitted a valid representation in respect of the application, was noted.

The Licensing Officer presented his report to the Sub-Committee and confirmed that the applicant had agreed to all of the conditions recommended by West Mercia Police Authority and the Environmental Health Officer. The Licensing Officer advised that Mr Gwilliam, a local resident who had made a valid representation in respect of the application would not be present at the meeting. The Licensing Officer read out Mr Gwilliam's representation in full. He also advised that two additional letters had been received from Mr Gwilliam which had been served on all parties prior to the hearing, these letters were also read out by the Licensing Officer.

The Special Projects Lawyer advised members that Councillor G Lucas was attending the hearing. He noted the Council's code of Conduct for members as well as the standards board guidance and advised that Councillor Lucas would be able to address the committee to give factual evidence before withdrawing from the meeting in accordance with the Council's Constitution.

The Environmental Health Officer advised Members of the agreed conditions which helped to address the concerns raised by the local resident who had made a representation in respect of the application.

In response to questions from the Sub-Committee, the Licensing Officer confirmed that Mr Gwilliam was the only local resident who had made a representation in respect of the application. He also advised Members that the event had been held for 8 years and that there had been no complaints from other local residents regarding noise.

In accordance with the Licensing Act 2003 Regulations for Hearings, Mr Gray, the applicant, spoke in support of his application.

In response to the points raised by the applicant, the Licensing Officer confirmed that the application form stated that 750 people would be permitted to attend however the applicant would be entitled to allow up to 4999 people onto the site if the licence was granted.

Members requested full site plans and asked the applicant to clarify which areas of the rowing club grounds would be used for the festival.

The Special Projects Lawyer asked Councillor G Lucas to clarify some points. Councillor Lucas confirmed that he had visited the site and had also visited neighbouring residents at Metcalfe Close. He confirmed that the residents of Metcalfe Close had no concerns in respect of the applications. He added that only two residents of Metcalfe Close were elderly. Councillor Lucas left the Council Chamber in accordance with the Council's Constitution as he had declared a prejudicial interest in the application.

The Sub-Committee retired to make their decision. The Special Projects Lawyer and the Democratic Services Officer retired with them to offer legal and procedural advice.

RESOLVED:

That the application for a new premise licence in respect of Ross Country Music Festival 2010 be granted subject to the conditions outlined in the attached decision notice.

The meeting ended at 11.30 am

CHAIRMAN



HEREFORDSHIRE COUNCIL

REGULATORY COMMITTEE DECISION NOTICE (THE LICENSING ACT 2003)

PREMISES	Ross Country & Western Festival 2010
APPLICANT'S NAME	Mr C Gray
APPLICATION TYPE	New Premises Licence
PANEL MEMBERS	Councillor JW Hope MBE (Chairman) Councillor JHR Goodwin Councillor SPA Daniels
DATE OF MEETING	7 July 2010

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 Mr Gray, the applicant, and Mr Trezins, the Environmental Protection Manager. They also took into consideration the written representation submitted by Mr Gwilliam as well as two further letters submitted to the licensing authority prior to the hearing.

Councillor G Lucas, the local ward member, was also present to confirm that he had visited nearby residents 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,J)	Late Night Refreshment (L)	Sale of Alcohol (M)	Open to the public (O)
Thursday	1900 - 0030	2300 - 0030	1900 - 0030	1900 - 0030
Friday	1900 - 0030	2300 - 0030	1900 - 0030	1900 - 0030
Saturday	1300 - 0030	2300 - 0030	1300 - 0030	1300 - 0030
Sunday	1030 - 1900	N/A	1030 - 1900	1030 - 1900

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 policies and procedures contained within the Event Management Plan and operating schedule must be affectively implemented.
- No noise or vibration must emanate from the premises so as to cause public nuisance.
- Noise levels arising from the event, when measured at the nearest noise sensitive dwellings shall be as follows:

Between 13.00 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.

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

Between the hours of 23.00 and 00.30 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 suitably 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

- 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]
- All portable electrical entertainment/music equipment shall be powered through a suitable and sufficient Residual Current Device.
- 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.
- All fixtures and fittings, the electrical and mechanical equipment shall be maintained in good conditions and full working order.
- 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.
- A sufficient number of marshals/security staff must be provided in all entertainment areas to the satisfaction of Environmental Health.

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

- All marshals/security staff 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 marshals/security staff 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).
- Free and unrestricted access to drinking water shall be provided at all times and without charge.
- Adequate levels of illumination shall be provided throughout the site for the duration of the event.
- Vehicular movement in the central arena during the hours when members of the public are circulating shall be kept to an absolute minimum and must be marshalled during these times.
- Maximum 5mph signs to be displayed at the vehicular entrance(s) to the site and at suitable intervals along the vehicle routes throughout the site.

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 are illegal to sell to children.
- No person of the age of 18 years old must be allowed to serve alcohol in the defined 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.

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.