

BATH AND NORTH EAST SOMERSET

LICENSING SUB-COMMITTEE

Thursday, 19th August, 2021

Present:- Councillors Rob Appleyard (Chair), Michael Evans and Steve Hedges

Also in attendance: Geoff Cannon (Public Protection Officer (Licensing)) and Rebecca Jones (Deputy Team Leader, Legal Services)

40 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer advised the meeting of the procedure.

41 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

42 DECLARATIONS OF INTEREST

There were none.

43 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

44 LICENSING PROCEDURE

The Chairman explained the procedure to be followed for the meeting.

45 APPLICATION: BATH REGGAE FESTIVAL

The Public Protection Officer, Licensing presented the report to the Sub-Committee. He stated that an application had been made under s.17 Licensing Act 2003 by Dave Mansbridge on behalf of VIP Production Ltd in respect of a premises licence for Bath Reggae Festival, Kensington Gardens Bath.

He added that the application was for the Premises Licence to take effect on one Saturday in August each year.

He informed the Sub-Committee that a relevant representation had been received within the statutory period from the Council's Public Protection Team.

The Specialist Officer (Health & Safety) addressed the Sub-Committee. She explained that she was a member of the Council's Safety Advisory Group for Events (SAGE) and that they had only received information regarding the application with 6 weeks' notice until the event was due to take place. She added that both the Police and Fire Service had also expressed concerns about the event taking place.

She said that a number of discussions had taken place with the applicant over the past few weeks but that a number of elements for the event remain missing.

She stated that a food safety management system plan had still not been received from the food trader for the event and that they have no information about who will be running the bars.

She said that she has concerns over the competency and management of the event organisers.

She also said she had concerns about the wind management plan for the temporary structures.

Councillor Steve Hedges asked if she knew how many people were expected to attend the event.

The Specialist Officer (Health & Safety) replied that figures within the documents received ranged from 1,500 – 3,000.

Councillor Hedges asked if she was satisfied with the Traffic Management Plan.

The Specialist Officer (Health & Safety) replied that access had been established at both ends of the site, but that one is a private unadopted road. She added that some stewarding is supposed to be in place but queried what powers they would have.

Councillor Michael Evans asked what level of input the Council normally gives to events such as this during the application process.

The Specialist Officer (Health & Safety) replied that where organisers are not fully aware of the locality there are always elements to look at and to highlight local anomalies. She added that she felt that the Council had needed to request a lot of information from the applicant over the past six weeks.

Kevin Peterkin addressed the Sub-Committee on behalf of the applicant VIP Production Ltd. He said that they have been organising festivals like the one applied for since 2018 and that the setup would replicate that of the previous events they have held.

He explained that they have had difficulty in confirming food vendors before the lockdown restrictions had been lifted. He confirmed that there would now be only one food vendor on site and that they had contacted ticket holders to inform them that they could bring their own food to the event.

Councillor Rob Appleyard asked why some of the event timings differed in the documents received.

Kevin Peterkin replied that they had tried to stagger the opening times to consider the local residents and attempt to reduce any congestion.

Councillor Appleyard asked if the site had established access for emergency vehicles.

Kevin Peterkin replied that access would be from Meadows Lane.

Councillor Michael Evans asked how many tickets had been made available for the event.

Kevin Peterkin replied that there were 2,000 tickets.

Councillor Rob Appleyard asked when did plans for the event first begin.

Kevin Peterkin replied that they began in August 2020.

Councillor Appleyard commented that he felt that the application had been made quite last minute and had therefore left little time for any dialogue regarding the missing information.

Kevin Peterkin said that he understood the concerns raised and that they had tried to go through the process as best they could and provide the information requested.

Councillor Appleyard asked if the stage structure would be built by the same team that they have used in their previous events.

Kevin Peterkin replied that it would be same team as used previously.

Councillor Appleyard asked why relevant information was missing on this occasion from the application.

Kevin Peterkin replied that they had only supplied part of a 2,000-page document as this was what they had done when applying to other Councils.

Councillor Appleyard asked if the information expected by B&NES was a national standard or do we ask for more.

The Specialist Officer (Health & Safety) replied that basic loading calculations are required alongside specific site information. She added that she was aware that a bespoke deck needs to be made and subsequently approved by Building Control.

She stated that she did not feel that the information requested was above any level requested for other events.

Councillor Appleyard asked if the Sub-Committee were mindful to grant the application subject to the Event Management Plan being fully agreed by the Public Protection Team, would this be possible.

The Specialist Officer (Health & Safety) replied that they were not a duty holder and that it was a fine line between assisting and approving.

Kevin Peterkin informed the Sub-Committee that they had decided that there was not enough space on site for a children's area / bouncy castle.

Councillor Appleyard asked if plans were in place for the protection of children.

Kevin Peterkin replied that there were.

Councillor Steve Hedges asked if the site would have a separate entrance for those customers with a disability.

Kevin Peterkin replied that it would and that this would be accessed through Morrison's car park.

Councillor Michael Evans commented that the Sub-Committee could consider granting the application for this year only and not year on year at this stage.

- At 11.10am the Sub-Committee began their private deliberations regarding the application. They reconvened at 11.50am to ask further questions to both parties.

Councillor Michael Evans commented that some roles within Event Management Plan were vacant and asked if these had now been identified.

Kevin Peterkin replied that they were.

- Tom is in place while Dave Mansbridge remains unwell
- Sabrina – Operations Manager
- Norma – Hospitality

The Deputy Team Leader, Legal Services asked for this information, including surnames, to be supplied in writing to the Licensing Dept.

Councillor Appleyard asked for the key outstanding concerns to be identified.

The Specialist Officer (Health & Safety) replied that they were as follows:

- Wind Management Plan
- Food safety management system from the vendor
- Contact details of who will be running the on-site bars
- Confirmation of the names (first and surname) of the key persons in the organisation, including Operations Manager and Hospitality Manager

She added that face painting and chair massage had also recently been added to the list of activities and were not listed within the original application.

Councillor Appleyard asked if a Wind Management Plan was required for all events.

The Specialist Officer (Health & Safety) replied that it was if marquees are in place at the event in question.

Councillor Appleyard asked if there were any specific concerns raised by the Police or Fire Service.

The Specialist Officer (Health & Safety) replied that the Police had queried how many stewards would be in place on the site and how the Stewarding Plan would be implemented.

Councillor Michael Evans asked regarding the food vendor whose responsibility was it in terms of fuel use and allergens.

The Specialist Officer (Health & Safety) replied that the duty lies with the vendor, but that the event organiser would be expected to have undertaken due diligence as part of the application process.

Following a further deliberation by the Sub-Committee the decision below was given.

Decision and Reasons

Members have determined an application for a Premises Licence for Bath Reggae Festival, Kensington Gardens, Bath. In doing so, they have taken into consideration the Licensing Act 2003, Statutory Guidance, the Council's Policy, Human Rights Act 1998 and case law.

Members are aware the proper approach under the Licensing Act is to be reluctant to regulate in the absence of evidence suggesting a Premises may have a detrimental effect on one or more of the Licensing Objectives and they must only do what is appropriate and proportionate on information before them. Members are further aware that applications must be considered on merit and objections received from Responsible Authorities must be capable of withstanding scrutiny.

The application is for one Saturday in August each year (21 August for 2021), to cover:

- The sale of alcohol by retail for consumption on the premises from 11:00 until 23:00
- The Performance of Dance from 10:00 until 23:00
- Exhibition of Film from 10:00 until 22:00
- Performance of Live Music from 10:00 until 23:00
- Performance of Recorded Music from 10:00 until 23:00

The application proposes the following opening times: 10:00 until 23:30

The applicant stated they have run other successful events; they have engaged a professional security company; have produced a comprehensive Event Management Plan, dealing with health and safety policy, security policy, an emergency liaison team and power of command, entry policy, crowd management, extreme weather policy, child safety and lost children policy and many more; engaged a noise monitoring company; and provided a contact number to local residents. The applicant stated that VIP Production and associated contractors will fully abide by the licensing regulations provided by the local authority and will promote the local community in a good light by avoiding any public nuisance, crime and public safety issues. They will maintain a clean and safe environment for all visitors to the area and will uphold standards to avoid any lapse that would cause non-compliance to the

licensing objectives. Should any incidents occur, they will fully cooperate with the Police and any relevant authority.

The Event Management Plan included information on proposed access and egress routes and that stewards would be placed on two approach roads to prevent parking in nearby residential roads.

The application was discussed at the local Safety Advisory Group for Events (SAGE) and a subsequent representation was received from the Senior Environmental Health Officer (specialist health and safety) in the B&NES Public Protection service. No other representations were received.

The objector summarised the objections as:

The concern with this event is that there are a number of elements, that cumulatively undermine the public safety objective. These are:

- lack of clarity about access for emergency services
- lack of clarity on temporary structures and their management
- lack of clarity on catering and fuel sources
- lack of clarity on crowd management in relation to some parts of the festival site

The event management plan states 'The event will be managed by a team of professionals with a proven track record of running safe events'. This statement does not reflect the amount of input that the various risk assessments have fed into the event management plan. As at 2 August 2021, further details have been updated, however there is still no information on the main stage structure, size of the Dub tent and the details on the route for emergency access have changed again. The concern is that the festival organiser is planning to use stewards to ensure Meadows Lane stays clear, however this is an unadopted private road and therefore there is no statutory framework available to ensure this happens.

There continues to be a lack of detail about how a major incident would be dealt with; the traffic management plan; a need for a robust security and stewarding plan; detail of food vendors, structures and fuel; a fire risk assessment; lack of detail about emergency vehicle access; lack of detail about the erection of the stage, Dub tent, VIP and back stage area including capacity and access and egress; wind management plan; details of the children's play area and confusion about the start time.

In determining the application Members reminded themselves of the Statutory Guidance. This recognises the important role licensed premises play in the local community and states the Act is a permissive regime that minimises the Regulatory burden. Members further noted the Council's Events Policy which advocates the need to support and facilitate events as these contribute to economic development and vibrant sustainable communities that are active, lively and inclusive. Members also reminded themselves of their Statement of Licensing Policy which aims to

facilitate a healthier economy that feels safe and reduces alcohol related crime and anti-social behaviour.

Members were careful to take account of the oral and written representation and to balance the competing interests of applicant and objector.

In all the circumstances, Members reminded themselves that each application must be determined on its merits and that whilst being mindful of other legislation the licensing regime should not duplicate other statutory provisions. For example, the Health and Safety at Work Act 1974, associated regulatory provisions and Health and Safety Executive guidance.

The Licensing Sub-Committee decision is to Grant the Licence subject to Conditions

Members noted the various concerns of the Public Protection Team with the shortcomings of the Event Management Plan and public safety. The Members reminded themselves that the proper approach under the Licensing Act is to be reluctant to regulate in the absence of evidence suggesting a Premises may have a detrimental effect on one or more of the Licensing Objectives and they must only do what is appropriate and proportionate on information before them. Therefore, Members considered that the genuine concerns from Public Protection could be managed by conditions on the licence and encouraged the applicant to review the plan for the following years. The Members therefore make the following additional conditions:

- This licence is granted for one year only the date being the 21 August 2021 from 10:00 to 23:00.
- The Applicant must comply with the Event Management Plan and Traffic Management Plan provided to Bath and North East Somerset Council as updated by subsequent information.
- The license is conditional on the Applicant providing via the Bath and North East Somerset Council Event App by 10am Friday 20 August 2021 the following information:
 - Wind management plan for the temporary structures
 - A current and relevant food safety management system, as set out at page 55 point h) of the Event Management Plan.
 - The name and address of the person running the bars
 - Confirmation of the names (first and surname) of the key persons in the organisation, including Operations Manager and Hospitality Manager (page 12 of the Event Management Plan).

AND for this information to be confirmed as agreed by 12 noon on 20 August by Bath and North East Somerset Council Public Protection Team for the condition of the granting of the licence to be met.

Authority is delegated to the Licensing Officer to issue the licence with the statutory conditions and the additional conditions listed above.

The Members stated that if the event is successful, they invited application for future years, but would expect an application to be made three months in advance of the date, to allow time for engagement with the Responsible Authorities.

NB: On Friday 20th August 2021 the following statement was released by Bath & North East Somerset Council.

Bath & North East Somerset Council is notifying residents that the organisers of Bath Reggae Festival have today decided to postpone their event, which had been due to take place at Kensington Meadows in Bath tomorrow (August 21).

Ticket holders are asked not to travel to the site and to contact the organisers for further details.

Councillor Dine Romero, cabinet member for Children and Young People, Communities and Culture, said: "We look forward to continuing to work with the organisers of Bath Reggae Festival to support them in bringing a safe and vibrant event to Bath in the future."

The meeting ended at 12.30 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services