

CENTRAL BEDFORDSHIRE COUNCIL

Record of a **LICENSING SUB-COMMITTEE** hearing convened under The Licensing Act 2003 (Hearings) Regulations 2005 and held at the Council Chamber, Priory House, Monks Walk, Shefford on Thursday, 5 July 2018

LS/18/1. **Licensing Sub-Committee Composition**

Cllrs: D Bowater (Chairman)
P Duckett
R Berry

LS/18/2. **Election of Chairman**

Cllr Bowater was elected Chairman for the Hearing.

LS/18/3. **Apologies for Absence**

None.

LS/18/4. **Members' Interests**

None.

LS/18/5. **Names of Parties in Attendance**

Cllr D Bowater (Chairman)
Cllr R Berry
Cllr P Duckett

Mr J Head – HQ Sports Bar, Dunstable
Mr E Deakin-White Harrison– HQ Sports Bar, Dunstable

PC D Welch – Bedfordshire Police

Alan Stone – Technical Officer, Environmental Health, CBC
Nicola O'Donnell – Licensing Compliance Officer, CBC

Rochelle White – Solicitor, LGSS
Celina Jagusz – Committee Services Officer
Leslie Manning – Committee Services Officer

Cllr J Chatterley – CBC Ward Member

LS/18/6. **Procedure for the Hearing of Applications under The Licensing Act 2003**

The procedure for the hearing of applications made under the Licensing Act 2003 was introduced by the Chairman and noted.

LS/18/7. **The Four Licensing Objectives**

The four Licensing Objectives were noted.

LS/18/8. **Objection Notices Given for Temporary Event Notices - Grove Park, Court Drive, Dunstable, LU5 4GP**

The Sub-Committee considered a report from the Head of Public Protection which sought Members' determination in accordance with the Statutory Guidance issued under the Licensing Act 2003 and the CBC Licensing Policy with regard to three objection notices received in relation to three temporary event notices (TEN) for Grove Park, Court Drive, Dunstable.

The temporary event notices were for the following dates and times:

An event on either 6 July 2018 (14:00 to 00:00) or 7 July 2018 (11:00 to 22:00)

An event on either 10 July 2018 (13:00 to 23:00) or 11 July 2018 (13:00 to 23:00)

An event on either 14 July 2018 (11:00 to 22:00) or 15 July 2018 (11:00 to 22:00)

The Licensing Compliance Officer advised that three temporary event notices had been submitted, each for two dates in July 2018 and that representations had been received from Bedfordshire Police and the CBC Environmental Health with regards to issues relating to the following Licensing Objectives:-

- the prevention of crime and disorder
- prevention of public nuisance
- the protection of children from harm

It was brought to the attention of the Sub-Committee that the report contained an error in that a third option, alongside Option A and Option B, had been omitted which was an option to include conditions to the current notice.

In response to a query, confirmation was given that the current premises licence was in place and covered Grove House Gardens for the showing of plays and films, boxing and wrestling, live music and dance. The sale of alcohol was restricted to a specific festival.

The Chairman invited the applicant to set out his case and handouts were circulated to attendees which were read and accepted.

The applicant explained that the temporary event notices were submitted to expand on the success the sports bar were currently having with the world cup and that they were currently turning away 200-300 people due to their premises already being full. In order to cater for these extra fans, a 'Fanzone' would be set up in Grove Park to provide an opportunity for these fans to further support England's progress in the world cup.

Cllr Duckett pointed out that the objections to the TENs were based on lack of planning for the events and asked when this venture was started.

The applicant advised that the idea had been in place for some time and conversations were had with others to arrange for this opportunity. As England were progressing through the tournament it had been decided to apply for the TENs. Risk assessments had been carried out in advance and Dunstable Town Council were approached as was the ranger for Grove House gardens. The applicant noted that these events would not generate a lot of income as a considerable amount would need to be spent on screens, fences, security staff etc. The applicant noted that safety was paramount.

The Chairman asked where the fans in the 'Fanzone' will be purchasing alcoholic drinks.

The applicant advised that there will be a bar area in place in the 'Fanzone' and this will be controlled so that people would not be walking between the 'Fanzone' and sports bar with their drinks.

In response to a question about the number of door staff, the applicant advised that there will be two security people on each door and 6 security staff within the 'Fanzone'. In total there will be 18 door staff between both sites.

Cllr Duckett asked what was in place for the dispersal of fans after the match.

The applicant advised that the screen would be switched off after the match had finished and fans would not be allowed to leave with their drinks. Litter would be cleared away and local taxi firms would be available for those leaving the site. All routes had been considered as part of this plan and the door staff will remain until the last person or persons had left the site. It was noted that the door staff would be placed on all routes to make sure that everything is policed correctly.

The Chairman called on PC Welch to present his case.

PC Welch noted that there was an error in their report as they hadn't realised that a premises licence was already in place for Grove Park. PC Welch then advised that Bedfordshire police had concerns with regards to all three of the TENs as these events are considered to be high risk and the police had not seen any documents regarding the management. All three TENs refer to a 10pm finish and concerns have been raised about fans still drinking at 10pm. The police were happy to work with the applicant on future events but concerns were raised about the impact of what would happen if England lost. Even loud singing and swearing would impact on families using the park area.

PC Welch confirmed that a meeting had taken place with the applicant a few weeks before the world cup had started but it was to raise concerns about the barriers. The use of a screen was not mentioned until afterwards.

Cllr Berry asked if the barriers would be outside the established premises.

PC Welch confirmed that the barriers were to prevent public nuisance to the Grove and control people with alcoholic drinks.

The Chairman asked if any events were held for pre-knock out stages.

PC Welch stated no and added that the concerns were with issues that the applicant may not stick to their management plan.

The applicant asked what the issues were and PC Welch responded that no enquiries were made for the licensed bar prior to the world cup starting and that warning letters had been sent to the applicant about previous unlicensed activities.

The applicant explained that the bar on that occasion was outside and it was believed that this was within the current licence as it was in the smoking area. They realise that this was wrong but can confirm via CCTV images that the bar was closed when the situation was clarified.

The Chairman confirmed that smoking areas were not areas for serving alcohol.

Cllr Duckett asked what time scale would be recommended for this type of event.

PC Welch advised that an event such as the River Festival is planned several months in advance and even smaller scale events would require 3-4 months planning prior to going ahead.

The Chairman then invited Alan Stone, Technical Officer, Environmental Health to present his case.

The Technical Officer raised concerns over public nuisance and noise levels. It was noted that the premises use a PA music system to whip the crowd into a frenzy and whilst this promotes a good atmosphere it still creates an ever increasing amount of noise which will impact on others.

The Chairman asked what events were taking place at the Grove Theatre on Saturday and it was noted that there is a show starting around 5pm but the match would be starting at 3pm. The Chairman noted that the show would have started at the time of penalties should they take place.

The applicant added that the event would be child friendly and that they were encouraging families to come along. They accept that people would be leaving at different times prior to the closing time of 10pm.

The applicant's associate noted that they will be able to manage the amount of people leaving as they will use the exit furthest away from the Grove Theatre.

PC Welch noted that it is the nature of these events that people would stay on to celebrate a win and that alcohol would be consumed up until 10pm.

The applicant noted that he was happy to consider closing earlier if the closing time was an issue. He advised of a previous event where the kick-off was 1pm and the sports bar was closed by 7pm.

Cllr Berry noted that the Grove Theatre performance starts at 7.30pm (doors opening at 6.30pm) which could coincide with fans leaving the Fanzone and asked how would this be policed.

PC Welch noted that there needed to be an agreement between the Grove Theatre and the sports bar on how to deal with this.

The applicants associate met with the Grove Theatre yesterday and it was decided that the Sports Bar use their own staff to prevent fans going into the Grove Theatre bar during this time.

Cllr Duckett noted that a mix of people would help to ensure that the event was a peaceable one and asked what was being done to promote this a family event as it was not obvious in the documents provided. He also noted that police involvement would need to be pre-booked and that there was insufficient time to put this in place.

The applicant responded that he understood and that everything was in place to go ahead. He explained about previous events where there were no issues and people come from far and wide often staying in local hotels which helped the local economy.

The applicants associate noted that a local poll via the local gazette reported that the Town wanted these events and that people were aware this was a family event.

The Chairman asked what the maximum limit was and how would this number be controlled.

The applicant noted that numbers would be controlled as per the Sports Bar with a 'one in, one out' policy.

PC Welch noted that the event was very well advertised and publicised but numbers are limited. More people could turn up than could be catered for.

Cllr Berry noted that the land was owned by Dunstable Town Council and asked if confirmation had been received that they were happy for this to take place.

It was noted that Dunstable Town Council were fully behind these events.

The applicant noted that these events were controlled and that drinking is only in one area.

PC Welch responded that the control aspect was disagreed with as this requires months and months of planning which was not evident in the plan.

The Technical Officer, Environmental Health was asked if there was evidence of control.

The Technical Officer, Environmental Health responded that this was not a community event and it was expected that there would be high noise levels at certain points. This aspect would be covered by a noise management plan but this was not evident in the plan submitted.

Cllr Duckett asked how long a noise management plan would take to be put in place.

The applicant responded that he is aware of these points but that he has spent every day of the last two weeks planning and putting things in place for these TENs. If further requirements were needed then they would put them in place.

The applicants associate added that they can have things in place within 24 hours as this was a major event which would impact on the whole country. The world cup final would be on a Sunday and they want to work with the police to ensure this goes ahead safely and without incident.

The Chairman invited all representatives to make their final statements.

PC Welch summarised that whilst he appreciates that England were doing well, it did not negate the necessity of planning. He admired the applicant for organising these events but stated that the Police still had concerns. It was noted that the day of the finals would also be the day of the River Festival and police presence would be high at this event.

The Technical Officer, Environmental Health summarised that they still had concerns regarding management issues.

The Licensing Compliance Officer reminded the panel that the recommendations given in the report were Option A: provide the premises user a counter notice under Section 105(2) of The Licensing Act 2003 if it was considered appropriate for the promotion of a Licensing objection; Option B: disregard the objection notices or Option C: include conditions where applicable.

The applicants associate noted that more security staff can be hired for the world cup final if needed.

The applicant reiterated that everything was in place and safety was paramount so that everyone had a good, safe time.

There being no further statements, comments or questions, the Sub-Committee adjourned at 11.15am in private to make its decision. The Council's legal representative remained with Members in the Chamber to advise as necessary. The hearing reconvened at 11.40am when the Sub-Committee had finished its deliberations and could announce its decision.

Decision and Reasons for the Decision

That the Objection notices for the Temporary Events Notices for Grove Park, Court Drive, Dunstable LU5 4GP be upheld for the following reasons:-

The Sub-Committee considered the key sections of the statutory guidance issued under s182 of the Licensing Act 2003 (April 2018) including paragraphs 2.1, 2.15 and 2.22, which were most relevant.

The Sub-Committee concluded that the objections raised by the police were valid and the risks identified could not be disregarded, particularly as those risks had not been fully addressed and that the events were scheduled to take place over the next 10 days, with the first event this Saturday (7 July 2018).

It was clear that there was not sufficient time to properly hold these events within Grove Park, given the level of planning required, which included full consultation with Bedfordshire Police and a multi-agency approach, such as a SAG, actions that had not taken place and could not now take place, at such short notice.

In relation to public nuisance, no noise management plan had been implemented and the applicant was unable to demonstrate how this licensing objective would be promoted.

In relation to the protection of children, although children were invited to this event, there was a high risk of exposure to strong language, which would undermined this licensing objective.

The Sub-Committee was not satisfied that enough planning had gone into these events, and/or that the licensing objectives would be promoted.

In coming to its decision the Sub-Committee had taken into account:

- The Licensing Act 2003
- The Home Office Revised Guidance issued under Section 182 of the Licensing Act 2003 (April 2018)
- Central Bedfordshire Council's Licensing Policy
- The merits of the application and the representations presented by all parties.

The Sub-Committee felt that the above reasons contravened the following licensing objectives:-

- The prevention of crime and disorder
- The prevention of public nuisance
- The protection of children from harm

The applicant was informed that a counter notice would be set out in writing and sent to them.

(Note: The meeting commenced at 10.00 a.m. and concluded at 11.45 a.m.)