

LICENSING PANEL SUB-COMMITTEE

WEDNESDAY, 17 APRIL 2019

PRESENT: Councillors John Bowden, Sayonara Luxton and Derek Wilson

Also in attendance: Councillor Leo Walters

Officers: Sarah Conquest, Roxana Khakinia, Shilpa Manek and Steve Smith

APPOINTMENT OF CHAIRMAN

Councillor Bowden proposed Councillor Luxton to be Chairman for the Panel. This was seconded by Councillor Wilson.

RESOLVED: That Councillor Luxton would be the Chairman for the Panel.

APOLOGIES FOR ABSENCE

No Apologies for Absence were received.

DECLARATIONS OF INTEREST

Councillor Derek Wilson declared a personal interest as he was a member of the Bray Parish Council. Councillor Wilson declared that he had also completed the declaration register at the Parish Council where he had declared that if he had commented and voted on an application at Parish level, he would look at the same application with an open mind and with what evidence was in front of him if the application came to borough level.

Councillor Wilson was attending the Licensing Panel Sub Committee with an open mind.

PROCEDURES FOR LICENSING PANEL SUB COMMITTEE

The Chairman explained the procedures for the running of the Licensing Panel Sub Committee. These were part of the Agenda pack.

CONSIDERATION OF APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003

Licensing Officer

The Licensing Officer, Steve Smith, introduced the application for Members to consider. The Licensing Officer explained that the application related to a new premises license. The Licensing Officer informed the Panel that this was a new application for a premises licence for 5 events to be held at the field within Rinders Farm, Fifield, Maidenhead, SL6 2NS, per year for up to 3000 attendees. The main event being Fi-Fest, a family oriented event over two days which was planned for 13th and 14th July 2019. The opening hours would be 10:00hrs until 23:00hrs on Friday and Saturday and 10:00hrs to 22:00hrs on Sunday.

The Licensing Officer had received no relevant representations from any of the responsible authorities except the Environmental Health (CPES) and Trading Standards who requested a number of conditions relating to one of four key objectives, which were available in the Agenda pack and which had been agreed by the applicant. A large number of emails had

been received from interested parties including Ward Members, the Parish Council and local residents. All the representations were available in the Agenda pack.

The Licensing Officer informed the Panel that Mr Lee Page was the applicant and the Designated Premises Supervisor (DPS) was Mrs Tracey Page.

The Licensing Officer reminded the Panel that they should have consideration for the four licensing objectives when making their decision on whether to grant the new premises licence, modifying the conditions of the licence by altering or omitting or adding to them, or to reject the whole or part of the application.

Questions to the Licensing Officer

Councillor Bowden requested clarification on the condition suggested by Environmental Health. Councillor Bowden continued and asked about the noise levels and effects on the nearest residential property. The Licensing Officer informed the Panel that the noise should not exceed 15 Db. This would be monitored every 15 minutes from the highest noise locations. Councillor Bowden asked the Licensing Officer who had responded from Thames Valley Police and the Fire Authority and was informed that it was the Licensing Officer from TVP and the Fire Safety Officer from the Fire Authority. They always responded and on this application, they both had no issues.

Councillor Wilson requested some clarification on EPL02 and EPL03, conditions suggested by Environmental Health. The Licensing Officer informed the Panel that any conditions could be amended if the Panel felt they wanted to.

Councillor Luxton asked if spot checks would be carried out during the event and was informed that they would be. Councillor Luxton continued and asked if the police would be present at the event and was informed that on a Monday morning before any event, large or small, Thames Valley Police and RBWM Licensing have a meeting and it is decided then. Councillor Luxton asked the Licensing Officer that on EPL10 of the Environmental Health conditions, it refers to contact details in case of a complaint, who would be the contacts. The Licensing Officer informed the Panel that in the first instance it would be the event organisers and then the borough and then to phone 101.

Applicant's Case

The applicants case was presented to the Panel by Mrs Tracey Page, the DPS for the event. Mrs Tracey Page started by giving the Panel some information on her background and the various roles that she had held.

Mrs Tracey Page informed the Panel that she had been involved in running the night time economy business for 18 years, that the family had run a similar event last year on a smaller basis and in a smaller field. Mrs Page informed the Panel that the applicant, her son, lived very close to the location of the field. Mrs Page introduced the applicant, Mr Lee Page and the land owner, Mr Rinder.

Mrs Page informed the panel of all the following points for the application and showed a short video of last year's FiFest event which was on a much smaller scale and in a different location.

The following points were presented to the Panel:

- The application was for five events, one event was equivalent to one day. This application was specific to FiFest, which was a three day live music festival for all the family. The additional two events would be planned around Christmas. FiFest would be over Friday, Saturday and Sunday which would have live music, children's entertainment, food, drink and film.

- The objectives of FiFest were to provide a package of entertainment for all the family including an interpersonal area for children having plays, storytelling, pottery, sandpits etc. None of the live music would be aimed at the young children. There would be a sensory room for autistic children. All the artists, entertainers and vendors would be local to the area.
- All other local events that had taken place in the area such as Holyport Festival, Maidenhead Festival, all had capacities of over 3000 people, hence this was the capacity in the application.
- The management plan would be in place 28 days before the event, it was a living document and therefore changing all the time.

Mrs Page went through the four licensing objectives and highlighted the following points:

- SIA licenced officers would be in static positions and roaming around at the event.
- There would be an emergency response vehicle on site.
- There would be no untrained volunteers on the site.
- The "Think 25" policy would be operated at the event, all bar staff working at the event were all staff from the family business so had all been trained. There would be no contracted staff. There would be fixed security at the bars to conduct assessments.
- There would be a zero tolerance policy.
- There would be four DPS's on site all day.
- Breathalysers would be used on any intoxicated persons. If levels were high, no more alcohol would be served to them. If very high, they would be escorted to the exit, allowed to make one call to inform others in the event and then escorted off the exit.
- A search policy would be used on entry.
- An external portal was already selling the tickets for the event. Tickets would be scanned on entry and clickers would be used on an in and out basis.
- All risk assessments and plans would be submitted to the Safety Advisory Group at least 28 days before the event.
- All food vendors would be asked to provide food hygiene certificates and gas safety certificates.
- There would be three different types of tickets being sold, one for children, one for adults who had purchased children tickets and the last for other festival goers. The other festival goers would not be able to access the children's areas. There would be static security in position, all would be female SIA trained staff.
- A one use industry standard wristband would be used.
- There would be a lost children's point.
- Noise would be managed as described in the application.

Questions to the Applicant by the Licensing Officer

None

Questions to the Applicant by Legal

None

Questions to the Applicant by Members

Councillor Bowden asked if a traffic plan was in place and how all the traffic entering and leaving the event was to be managed. Lee Page informed the Panel that the private land belonged to Mr Rinder and there would be five members of static security in place. The traffic would all be diverted to the left hand side and there would be sufficient signage up to Forest Hill Road for exiting traffic. The entrance from Holyport would turn left onto the Rinder Farm and from Windsor, turn right. A traffic management team would guide all traffic in and out of the venue.

Councillor Bowden continued and asked about further clarification on the bridal ways and the footpaths. Mr Rinder informed the Panel that the bridalways ran through the centre of the site and access was through Holyport and Fifield. The footpaths ran to the side of the fields and no footpaths were being closed. There was limited footpath on the B road but access was quite good by foot. The location of the field excellent, only ten minutes away from junctions 8/9 and 6 on the M4. The emergency access was going to be through the farm on the event days.

Councillor Wilson asked if any of the bridalways were going to be closed during the event days. Lee Page informed the panel that no bridalways were going to be closed during any of the event days. In fact the horse riding clubs were all in support of the event as were the dog and cat home. Mr Rinder informed the Panel that the livestock enjoyed music and accepted it quite well. Music was played to the livestock before milking on his farm.

Councillor Wilson asked how would the emergency vehicles leave the site and were informed that access would be made available and the exit would be through Stroud Farm and an air ambulance site would also be available.

Councillor Luxton asked how many of the SIA staff would be male and female. Lee Page informed the Panel that there would be 32 SIA trained staff and this would be half male and half female.

Councillor Luxton asked how the 32 staff would be allocated and was informed that there would be five static points, each with two staff, two staff would be backstage, eight staff would be between the bar, kidszone and roaming, two would be at the car park and five at the entrance. Two further staff would form a mobile reactive team and three further staff would be roaming.

Councillor Luxton asked why there were only 32 staff and was informed that this was the HSE recommendation. In addition to the 32 SIA trained staff there would be 20 fire marshal's and 12 first aiders and there was a possibility that the street angels would also be on board.

Councillor Luxton asked if a draft plan was in place or would the plan be agreed with Licensing at a later date. The Licensing Officer informed the Panel that if the license was approved, all plans would be presented to the Safety Advisory Group prior to the event.

Other points that were raised by the Panel included:

- Was a dedicated taxi drop off point available at the event and it was confirmed that a point was available.
- When would the Safety Advisory Group meet to discuss this event. The Panel were advised that the Group met on a monthly basis and this was organised by the Licensing team. All events taking place in the borough were discussed at this meeting which was attended by all the blue light services.
- Had the presales been undertaken already for the events. Mrs Page informed the Panel that an independent company were selling the tickets for the event and would be holding the funds. If the event did not take place, all funds would be refunded to the buyers.
- Was there public liability insurance in place and it was confirmed that this had already been put into place.
- The event last year was over two days, were five days needed this year. Mrs Page informed the Panel that they wanted to have an event which was for a reasonable price and with good infrastructure and for this a good capacity was required.
- The Panel were very concerned that the children's zone was so close to the bar and there was only a hedge between them. The Panel were reassured that there was only one access to the children's zone where there would be SIA trained staff.
- How would the guests be controlled on the grounds if they had drunk too much alcohol. Lee Page informed the Panel that roaming staff and bar staff would be monitoring this. If they felt someone had drunk too much, they would be breatherlised.

- If they refused at the entrance, they would be refused entry to the event and on the grounds, they would not be allowed to purchase anymore alcohol.
- There was a zero policy of bringing alcohol into the premises, only soft drinks could be taken into the premises. There was zero tolerance to drugs, every person would be subject to being searched. The applicant would be happy to have drug dogs.
 - The Panel were concerned about the rubbish and mess created as a result of the event. The Panel were advised that marshals would be present and monitoring during the event and within 100m outside the event. After the event 200m outside would be monitored and cleared. There would be signage about rubbish, noise and parking.

Questions to the Applicant by Objectors

None

First Objectors' Case

Ken Elvin, Bray Parish Council Chairman, informed the Panel that Bray Parish Council had unanimously agreed to refuse the application for the following reasons:

- The 2018 venue of the event was different and smaller.
- Safety issue with respect to the field proposed and rights of way and bridleways.
- The entrance of the event was a through route to Windsor, there was little public transport and there would be car traffic to enter the event.
- The neighbours would be affected, especially the horse riding school.
- The event was advertised as a family-friendly event but the children's area was near the bar and the car park.

All the points had been put in the solicitors advice which had been circulated to all Panel Members. Ken Elvin highlighted that there was no operating or transport schedule and safeguarding and health and safety were an issue.

Questions to the First Objector by the Licensing Officer

None

Questions to the First Objector by Legal

None

Questions to the First Objector by Members

The Panel asked the Objector how he would be affected by the event. Ken Elvin informed the Panel that he lived in the vicinity and had been a part of Bray Parish Council for the past 22 years. Ken Elvin was speaking on behalf of his residents.

Mrs Page informed the Panel that she had been involved in many licensing applications. Normally the Parish Council would invite the applicant to discuss the application and answer any questions. Bray Parish Council had been contacted by the applicant but had not been invited to any meetings where the application had been discussed. Ken Elvin pointed out that many of the issues they had had been addressed. Mrs Page continued to inform the Panel that there were no newt presence on the site, no footpaths were being closed, Green Lane did provide parking points and no accidents had been reported. There had been no objections from the horse riding school and FiFest was not proposed for school holidays.

Mr Rinder pointed out that the bridleways were used as a by-way and carts track for the public. The Rinder Family had cleared all the paths for the use of the public.

Second Objectors' Case

Councillor Leo Walters, Ward Councillor, informed the Panel that the 2018 event was very different, it was on a smaller scale and on a different field. Of the 81 supporters, not many were local and all the 21 objectors were local.

The lanes around the proposed field were very narrow with hardly any footpaths, this could have very serious effects.

Councillor Walters felt that the four licensing objectives were not being met.

Mrs Page informed the Panel that both local horse riding schools were in support of the application. All footpaths were going to be kept open.

Questions to the Second Objector by the Licensing Officer

None

Questions to the Second Objector by Legal

None

Questions to the Second Objector by Members

None

Applicant's Summary

There was local support for FiFest from attendees of last year's event. The applicants were members of the local community, professionals in the field and had knowledge of the licensing objectives. The applicants wanted to engage with anyone who had an objection. The children's entertainment, musicians, food stalls were all local businesses. The alcohol was from a local brewery. The staff were all local too.

The applicants had an impeccable history of running licenced premises.

There had been no objections from interested parties, only conditions, which had all been accepted.

Objectors' Summary

The objectors highlighted that it was a false premise and it was not the same event as last year. The event was solely to make money. The local residents were very concerned. The legal advice from Bray Parish Council pointed out all the inefficiencies. There was no completed operating procedure.

Licensing Officer Summary

The Licensing Officer pointed out that the SIA standards Green guide stated that an event of this size should have 1:100 trained staff, sufficient SIA trained staff were being provided for the event. Each event was counted as one day. The applicants were happy with three days instead of five days.

Decision

The Sub Committee carefully considered all the submissions and noted that there were no objections from the responsible authorities which included RBFRS, Planning, Local Safeguarding Children's Board, Public Health, Thames Valley Police and RBWM Licensing. The Panel noted a submission made in the form of an email from Environmental Health and Trading Standards requesting conditions to be added to the application, which had been agreed by the Applicant.

The Sub-Committee after very careful consideration, decided that the application for a new premises licence should be refused for failing to promote the four licensing objectives; the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

The following points were highlighted:

- The wider community interests – the character of the surrounding area, there were no footpaths on the Forest Green Road where the festival exit was proposed and customers could park their cars and walk across to the festival. There were no footpaths for most of Gays Lane, only ditches on either side. The festival would also effect the bridle ways and the public footpaths.
- The wider community interests – no measures of dealing with queuing of customers entering the festival and dispersal of customers from the festival; insufficient information on taxi marshalling and dedicated pick up and drop off points.
- Promoting the prevention of Crime and Disorder – concerns of the Panel included insufficient search procedures in place, no use of CCTV, no measures in place for promoting zero percent tolerance to drugs. The Panel felt that not enough staff would be at the festival to carry out in-depth searches for drugs and weapons on the entrance. For a crowd of 3000 people, not enough staff would be present to control binge drinking and the consequences of it.
- Promoting the prevention of public nuisance – The Panel were concerned about the disposal of waste, particularly glass, the litter in the vicinity of the premises during and after the festival, the noise from deliveries and collections, insufficient measures in place to control behaviour and queues, not enough door supervisors to encourage quiet departure. The Panel were concerned as no information was provided on any smoking policies, waste management and setting up and winding down procedures.
- Promoting public safety – The Panel were concerned that insufficient information was provided on the promotion of sensible drinking, measures taken to prevent drug spiking and safe capacities. The Panel felt that no detailed information was provided on fire safety, appropriate access for emergency services and ensuring appropriate limits on the maximum capacity of the premises.
- Promoting the prevention of Children from harm – the RBWM policy states that this includes the protection of children from moral, psychological and physical harm, also protecting children from the wider harms such as exposure to strong language and sexual expletives. The sale of alcohol would be over a prolonged period of two long consecutive days. Often a factor in Child Sexual Exploitation was where young people may be encouraged or coerced to drink; alcohol may also be a factor in risk taking behaviour by young people who drink irresponsibly and then get involved in activities that otherwise they would not. The Panel were very concerned that there was lack of a robust operating schedule outlining in particular how the applicant would address the children from harm objective. The Panel were very concerned that the children's area was located very close to the bar, young children would be exposed to alcohol and intoxicated people over a long period of time which may lead to strong language being used. There was a lack of demonstration by the applicant on how children and young people would be safeguarded at the event. There was insufficient information on the size of the children's area, what, if any medical assistance would be within the children's area, the capacity at any one time and how this would be monitored.

The main concerns that have already been briefly mentioned are as follows:

- Staffing levels, although the number was within the guidance, it was felt that 32 for a crowd of 3000 would not be sufficient to promote the licensing objectives.
- There were major concerns about the proximity of the bar to the children's area. Despite the assurances that there was enough of a gap between the two areas it was felt that noise levels and adult language emanating from the area were in too close a proximity of children undermining the objective of protecting children from harm.
- There was no information provided to detail the actual size and capacity of the children's area and how this would be enforced. There were concerns of overcrowding in the area. Furthermore it was unclear as to exactly who would be in the children's area and if they would all have the necessary DBS checks.
- There was not enough information as to the role of the staff at entrance of children's area other than to check wristbands and who would be responsible for the welfare of children in the area.
- There was no information as to how staff would be identified. Would there be coloured tabards/jackets to enable parents and children to identify first aiders etc. in the case of an emergency.
- The proposed hours for alcohol consumption were very long and the noise levels of the people in attendance were a cause for concern especially on the Sunday when people would be going to work/school the next day.
- There was no information provided as to what, if any, contingencies had been put in place for dealing with adverse weather conditions.
- The panel understood that external agencies had yet to be engaged until the application had been successful but there were no draft/ template documents to show any processes or procedures. It was felt that the applicant was not fully prepared in terms of the application process, although there was a large amount of information to take into consideration there was not enough detail. There was a lack of detailed plans or maps, no measurements were provided. Overall it was agreed that the application was lacking detail and despite the information which was provided verbally on the day the panel felt they had not been provided with sufficient information to establish promotion of the licensing objectives.

The Panel would have liked to see a robust operating schedule, traffic management plan, transportation plan, a risk management plan and some more detail on the crowd management and first aid/safety information. The Panel would have liked to see a higher level of detail in the application from the third parties, a sample document based on the type and size of the event.

It was unanimously agreed that the panel did not feel satisfied that this application did enough to promote the licensing objectives. The application was **REFUSED**.

The meeting, which began at 10.00 am, finished at 3.45 pm

CHAIRMAN.....

DATE.....