

Report of the Assistant Director Waste, Fleet & Transport Services to the meeting of the Bradford District Licensing Panel to be held on 26 September 2017.

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Subject:

Application for a Premises Licence for Riverside Silsden 2017, Keighley Road, Silsden.

Summary statement:

Application for a new premises licence for the supply of alcohol and provision of regulated entertainment.

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Portfolio:
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Overview & Scrutiny Area:
Corporate



1. SUMMARY

The application is for the grant of a Premises Licence for the supply of alcohol and provision of regulated entertainment.

2. BACKGROUND

2.1 The applicant

Mr Rory Procter. A copy of the application is included at Appendix 1.

2.2 The Premises

Riverside Silsden 2017, Keighley Road, Silsden.

2.3 Proposed Designated Premises Supervisor

Mr Jonathan Dawkins.

2.4 Application

The application is for the grant of a Premises Licence for an event to take place at Riverside Field on 30 September 2017. The operating schedule describes the following as the relevant licensable activities applied for:-

- Supply of alcohol
- Provision of regulated entertainment

Hours of licensable activities:

Supply of alcohol/playing of recorded music

Saturday: 13.00 to 22.00

2.5 Steps proposed by the applicant to address the Licensing Objectives

- a) Prevention of crime and disorder will be achieved by;

The event arena will be enclosed within a secure perimeter fence. This will be subject to regular security patrols. Entrance to the event is strictly by ticket and purchase of a ticket requires acceptance by customers of the festival Terms and Conditions (this will be included in the ESMP). Entrance points to the event will be tightly controlled by Security Industry Authority (SIA) licensed staff who will



refuse admission to anyone breaching the terms and conditions. Ticket holders and their belongings will be subject to searching by the security team.

A stewarding and security team with sufficient numbers of appropriately trained personnel will be in operation within the venue (this will be included in the ESMP). The security team will monitor the arena at all times to prevent criminal and/or disorderly behaviour. Any persons found to be undertaking criminal activities will be apprehended/removed and anyone displaying disorderly behaviour will be ejected. The event operates a strict no readmission policy for such offenders.

The Designated Premises Supervisor will strictly control all sales of alcohol to customers and a Check 25 system will be in operation. The festival will operate and actively enforce a zero tolerance policy on drugs. This will be communicated to attendees via social media updates prior to the event and also signage at the event entrance and around the site.

The use of a two way radio system by both security and the event management teams will allow effective, responsive communications at all times which will assist with surveillance of the audience and circulation of appropriate intelligence.

b) Public safety will be achieved by;

Public Safety is of paramount importance to The Riverside Festival. It is in the interests of the organisers to ensure that their customers have a safe and enjoyable experience. An experienced, competent Safety Manager has been appointed to manage all matters that may impact upon the health, safety and welfare of the audience, contractors and the festival workforce.

The festival site has been carefully designed to safely and comfortably accommodate the proposed occupant capacity and there is sufficient exit width to allow safe emergency evacuation should the need arise. Full ingress/egress, emergency evacuation plans and occupant capacity calculations have been prepared (please see the ESMP) to follow.

A suitably experienced and competent crowd management and security company will be appointed to provide advice on such matters. Controlled Space holds SIA Approved Contractor Status (ACS) for all its activities. A Crowd Management and Control strategy has been produced, together with a Stewarding and Security Plan (please see ESMP) to follow.

c) Prevention of public nuisance will be achieved by;

The Riverside Festival is committed to producing an event that has a minimal impact upon the surrounding area, local community and nearby residents.



The potential for noise nuisance has been recognised by the Riverside Festival management team and a suitable noise management plan has been drawn up to control and minimise the risk of this becoming a nuisance.

The Riverside Festival will also appoint an independent acoustic consultant to look at the noise management plan for the 2017 event. In addition to the preparation of the noise management, the company will also be carrying out onsite monitoring of stage production and resident complaint management. This will ensure we can actively manage the noise operation onsite to minimise the impact upon the surrounding residents and community.

d) Protection of children from harm will be achieved by;

We will operate an over 18 policy for the event.

The festival's Children & Vulnerably Adults Protection Policy will be rigorously implemented (this will be included in the ESMP).

There will be no entertainment of an adult nature at the festival – no nudity or semi-nudity, no gambling machines or similar.

It is illegal to sell alcohol to or purchase alcohol for any person under the age of 18 years. The event will operate the national Challenge 25 policy. Staff serving alcohol will challenge any persons who they believe may be under the age of 25 years and will request that they produce valid photographic identification.

e) General – all four licensing objectives

The Riverside Festival Management Team has undertaken a full evaluation of its proposed activities with due regard to the promotion of all four licensing objectives. A competent team of event professionals and specialists have been appointed to design, plan and safely deliver The Riverside Festival with minimal impact to the local community and the least possible inconvenience to neighbours and the surrounding community.

The planning process involves full and on-going consultation with the Public Liaison Safety Group (PLSG) through formal group meetings and also through appropriate discussions and meetings with individual SAG partners including various representatives of Bradford City Council, the emergency services and other relevant agencies.

This planning and consultative process is key in the development of a comprehensive Event Safety Management Plan (ESMP) for the festival. The ESMP examines all aspects of our activities and the steps to be taken to ensure a safe and successful event that takes full account of all four licensing



objectives. This documentation covers all aspects of the festival in detail and sets out the various measures to be taken and policies to be followed by the Riverside Festival.

Specific measures that are designed to ensure the prevention of crime and disorder; public safety; the prevention of public nuisance and the protection of children from harm are detailed throughout the ESMP.

We will follow a multi-agency approach and follow the procedure to arrange an event of this size.

2.6 Relevant Representations Received

Responsible Authorities

Environmental Health - In order to address the Public Nuisance objective, the Environmental Health Officer has recommended that if the applicant wishes to pursue this application, he should employ a noise consultant and submit to the Council a noise report to show how he will adequately control the noise from the festival.

The noise report should include a survey to determine the background noise levels (as defined by the Code of Practice on Environmental Noise Control at Concerts) at locations around the venue representative of the noise sensitive premises likely to experience the largest increase in noise as a result of the concert/events. These locations should be agreed in advance with the officer.

If Members are minded to grant the application, the officer has recommended that the following conditions are imposed;

1. For events held between 09:00 and 23:00 hours the Music Noise Levels (MNL) as defined in the Code of Practice on Environmental Noise Control at Concerts, shall not exceed 75 dB(A) over a 15 minute period when measured 1 metre from the façade of the nearest noise sensitive premises if there are one to three concert days per calendar year.
2. The Premises Licence Holder shall ensure that staff monitor, on a regular basis, noise emanating from the site from regulated entertainment to ensure that any neighbouring residents are not disturbed.
3. The Premises Licence Holder shall ensure that the site is kept clear of litter and refuse.
4. Notices shall be displayed in prominent positions near exits reminding patrons to leave in a quiet and orderly manner.



The representation is attached at Appendix 2.

The applicant has agreed to the conditions being placed on the Licence.

Individual, Body or Business

A letter of representation has been received from a local resident which raises concerns of anticipated noise and disturbance from regulated entertainment and concerns regarding anti-social behaviour.

The letter of representation is attached at Appendix 3.

3. OTHER CONSIDERATIONS

Legal Appraisal

- 3.1** The Licensing Act 2003 requires the Council to carry out its various licensing functions so as to promote the following four licensing objectives:
- a) the prevention of crime and disorder
 - b) public safety
 - c) the prevention of public nuisance
 - d) the protection of children from harm
- 3.2** The Council must also have regard to the guidance issued by the Home Office under Section 182 of the Licensing Act 2003. Regard must also be taken of the Council's statement of Licensing Policy for the District.
- 3.3** Where it is decided it is necessary to depart from the statutory guidance or the Licensing Policy on the merits of a particular case; then special reasons justifying this must be given that can be sustained.
- 3.4** Only "relevant representations" can be taken into account. In order to be "relevant" a representation must fairly relate to achieving a licensing objective. If it does not, it must be discounted.
- 3.5** Any licensing conditions that Members may propose attaching must also relate to achieving one of the licensing objectives; be tailored to the actual premises and style of licensable activity; must be reasonably achievable by the applicant and in his/her control.

Statement of Policy Issues

- 3.6** The following parts of the Licensing Policy are of particular importance; Part 4 (prevention of crime and disorder) and Part 6 (prevention of public nuisance).



3.7 The Annexes to the Policy sets out various types of model condition that could be considered.

4. OPTIONS

4.1 Members may:

- (a) Grant a premises licence as applied for subject to any mandatory conditions and the precautions specified in the operating schedule submitted.
- (b) Grant a premises licence subject to such additional conditions relating to achievement of the licensing objectives as members think fit; or
- (c) Refuse the application for a premises licence.

4.2 Should the applicant or any other party to the hearing feel aggrieved at any decision with regard to the licence or to any conditions or restrictions attached by Members they may appeal to the Magistrates Court.

5. FINANCIAL & RESOURCE APPRAISAL

There are no apparent finance or resource implications.

6. RISK MANAGEMENT AND GOVERNANCE ISSUES

There are no apparent risk management and governance implications.

7. LEGAL APPRAISAL

Referred to in part 3 of this report.

8. OTHER IMPLICATIONS

8.1 EQUALITY & DIVERSITY

The Council has to comply with the public sector equality duty in S.149 Equality Act 2010.

8.2 SUSTAINABILITY IMPLICATIONS

There are no apparent sustainability implications.

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

There are no apparent implications.



8.4 COMMUNITY SAFETY IMPLICATIONS

When determining the application the Licensing Authority is required to pay due regard to the licensing objectives referred to in 3.1 of this report.

8.5 HUMAN RIGHTS ACT

The following rights are applicable:

Article 1 First Protocol to the Convention – Right to peaceful enjoyment of possessions subject to the state’s right to control the use of property in accordance with the general interest. The Council’s powers set out in the recommendations fall within the states right. A fair balance must be struck between public safety and the applicant’s rights.

Article 6 – A procedural right to a fair hearing. As refusal of the application is an option, adherence to the Panels’ usual procedure of affording a hearing to the applicant is very important. The applicant should also be able to examine the requirements of the fire authority. If the decision is to refuse then reasons should be given.

8.6 TRADE UNION

Not applicable.

8.7 WARD IMPLICATIONS

Ward Councillors have been notified of receipt of the application.

9. NOT FOR PUBLICATION DOCUMENTS

None.

10. RECOMMENDATIONS

Members are invited to consider the information and documents referred to in this report and, after hearing individuals, bodies or businesses, determine the related application(s):

11. APPENDICES

1. Application form received 3 August 2017.
2. Representation from Environmental Health
3. Letter of representation.



12. BACKGROUND DOCUMENTS

Application form, plan etc.

