

Licensing Act 2003



## Licensing Sub-Committee

### Notification of determination

Hearing under Sections 17 and 18 of the Act, and the Licensing Act 2003 (Hearings) Regulations 2005 In respect of an application made to Oxford City Council for a new Premises Licence

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Date of hearing:	<b>21<sup>st</sup> September 2021</b>
Place:	<b>Town Hall, Oxford</b>
Case No.	<b>21/01678/PREM</b>
Applicant	<b>Show Time Events Group Ltd</b>
Premises:	<b>Oxford Balloon Fiesta</b>
Premises address:	<b>Cotteslowe Park, Harbord Road, Oxford</b>
Licensing Sub-Committee Councillors:	<b>Cllr Colin Cook (Chair), Cllr Ajaz Rehman, Cllr Chris Jarvis</b>
Legal Advisor:	<b>Alison Daly</b>
Licensing Officer:	<b>Katie Thorp</b>
Clerk:	<b>Emma Thompson</b>

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The Sub-Committee heard representations from the following:

**Licensing Authority:** Katie Thorp (Licensing Compliance Officer)

Licensing officer presented the Licensing Authority's report, stating that the application had attracted representations from 21 Interested Parties and that the applicant had agreed to additional conditions proposed by Thames Valley Police during the consultation period.

**Applicant:** David Bailey, John Greatorex and Albert Evans on behalf of Show Times Events Group Ltd.

David Bailey stated that the application submitted would involve as little disruption to local residents as possible. He stated that they had run several successful events over many years in locations such as Cheltenham Racecourse, Northampton, and Staffordshire with only minor issues. In reference to traffic management, other events in other locations had taken place with little traffic disruption to the surrounding areas, towns, or cities. They will have security marshals and parking attendants to ensure this is the case with this event. They had offered to patrol Harbord Road but were informed by Oxfordshire County Council that their Civil Enforcement Officers already patrol this area and that they would be unable to patrol themselves. Mr Bailey continued to say that he wants to work with residents rather than against them and offered to cut the event down to 2 days (Friday and Saturday) if that was more amenable to residents. He had attended pre-event meetings with residents prior to the COVID pandemic and no issues had been raised.

He stated that the event is a family orientated event and not an event for teenagers to get their hands on alcohol and cause anti-social behavior. All of his staff are trained in alcohol sales. When questioned by Phil Crier about the need for off sales Mr Bailey stated that off sales were required for stall holders who might like to sell local liquors for example, but all off sales would be in sealed containers. He also stated that any drinks in open vessels would not be able to be taken off of the foot print of the event, and staff would request the customer to either consume or dispose of the beverage before leaving the event space. When questioned why the alcohol sales would cease at 23:00 hours on the Saturday when all other activities ceased at 22:30 hours at the latest, Mr Bailey stated that this was a clerical error on the form and that alcohol sales will cease at 22:30 on the Saturday in line with the other activities.

Cllr Rehman asked which security company would be used for the event and Mr Bailey stated his own company RSA would provide the security both inside the event and in the car park areas. All staff are SIA registered and at least level 2 specification trained which covers large scale events and stadia events, he has a manager who is level 3 trained and he himself who is level 4 trained, which is the highest level of security training. Both Mr Bailey and his manager will be on site for all 3 days of the event.

Cllr Jarvis asked if the 10,000 capacity was flexible and Mr Bailey said 4999 would just be financially viable. The application was for 10,000 but that was not expected to be reached. They sell approximately 6,000 tickets online and keep 4,000 aside for on the day bookings as people sometimes decide to attend outdoor events at the last minute if the weather is good. The main days of the event are the night flights on Friday which is half a day and the actual fiesta on the Saturday, they could lose the Sunday as the balloons are grounded on this day and this is the least busy day of the event.

Alison Daly asked how many security staff he would expect to have for 6000 people and David Bailey replied that 35 SIA trained staff would be covering all roles from stop and search, on site marshals, and car patrols. Alison then asked about the traffic management plan for Harbord Road and Mr Bailey responded by saying road and footpath closures were not permitted for this area by Oxfordshire County Council and that access and egress would be via the A40.

Mr Phil Crier asked if a risk assessment of the park and surrounding area had been done and Mr Bailey stated that it had been and the event management plan was submitted to the Safety Advisory Group (SAG) and had been approved. Mr Crier then questioned Mr Bailey about the

number of toilets that were going to be available during the event as the purple guide states 60 should be available, Mr Bailey responded by saying 40-50 and that the purple guide was guidance and not regulations. Cllr Cook reminded the hearing that toilets were not a licensing objective under the Licensing Act 2003.

Mr Crier asked about the decibel reading condition as part of the applications operating schedule asking what it mean in layman terms as decibel levels would mean nothing to him or the residents. Mr David Greatorex responded that the levels stated in the operating schedule reflected the levels of noise expected at any residential property within the park, 45dB to 55dB was appropriate for this type of event and would be like people talking in this room level heard from the properties, they would also have staff at the event who would regularly patrol the park and neighbouring properties taking decibel readings to ensure this was not exceeded.

Mr Crier asked why the event had to be so late if it was a family orientated event. Mr Bailey responded that there is a balloon light show and fireworks which require a dark sky. The sun sets at approximately 20:50 hours in August so this element of the event had to be later than this. When questioned by Mr Crier as to how attendees to the event would be able to see in the dark Mr Bailey explained that tower lighting would be erected within the event footprint, the exits, and car parks; these would be arranged so as to not shine into residential properties within the park.

Mr Crier questioned why there was the need for the campsite and who was expected to be staying on site overnight. Mr Bailey responded that the camping was for traders, security and balloon pilots who were not able to return home.

Cllr Liz Wade asked if there was going to be a Police presence at the event. Mr Bailey stated that Thames Valley Police had offered to supply either two officers or PCSOs during the event on site. Ms Caroline Johnson asked why they had applied for a capacity of 10,000 when the licence for the park in its entirety only had a licence for 4999. Mr Bailey stated that in his assessment of the ~~section~~ area of the park applied for, the available space would allow for 1.5sq metre per person attending. Events management guidance states that for a safe event there must be at least 1sq metre per person and that with this space and those numbers they would comfortably achieve that guidance figure with an additional margin of safety.

**Responsible Authorities:** None in attendance

**Interested Parties:** Professor Michael Collins – email statement was read to Sub-Committee members by the Chair in the pre-meeting.  
Mr Phil Crier – Licensing Solicitor, Blandy and Blandy on behalf of Harbord Road Residents Association (HRRA)  
Mr Tim Green  
Ms Caroline Johnson  
Ms Susanne McIvor  
Cllr Liz Wade  
Mr Himanshu Gupta  
Mr Simon Clark  
Mr and Mrs Fletcher

Cllr Cook informed the hearing that the submission supplied by Professor Michael Collins and received by the Licensing Authority via email, had been read in the pre-meeting discussion and would be taken into consideration when determining this application.

Mr Crier stated that the Sub-Committee must refuse this application due to procedural defects in the application process, the description of the premises was incorrect, and the plans were omitting toilets, escape routes and fire safety equipment. He concluded that the site notices were not correctly displayed every 50 metres on the nearby residential roads to the park and that this should be considered when determining the application. Cllr Cook informed the hearing that the validity of the application was delegated to the Licensing Authority and this application had been deemed valid, the committee were here to determine the application and not its validity, this could not be taken into consideration in their decision; and he explained the appeals and complaints process.

Mr Crier queried why the licence needed to include off sales merely for a tombola or a number of stalls wishing to sell their wares. Mr Crier stated the operating schedule in the application was insufficient and did not cover all the aspects of such a large scale event, there were no detailed documents included with the application such as a traffic management plan or an event management plan. If one had been submitted it would have assisted with residents' concerns and in turn assisted the Committee with determining the application. He continued by stating that residents were concerned that this would have an impact greater than the three days applied for due to the setting up and closing down of the event.

Mr Crier stated that this application should be refused due to concerns with traffic coming through the park, the impact it would have on the general public using other areas of the park, and that the long hours of the licence would not promote the objective of protecting children from harm.

Mr Crier then stated that if the Sub-Committee were minded to grant this licence then that they consider restricting the terminal hour of activities to 19:00 hours and reduce the capacity to 4999.

Mr Tim Green stated that access and egress via the A40 bypass would be of concern to both residents, road users, and Thames Valley Police, Ms Caroline Green then stated that rerouting traffic through the park passing the café and two play parks surely could not be deemed safe. Mr Bailey stated that the traffic management arrangements would be made in accordance with Oxfordshire County Council and SAG recommendations, he continued by saying there would be marked crossing points throughout the park with marshals ensuring safe passage for other park users.

Ms Susanne McIver stated that the application might well be signed off and approved by both the Events Team and SAG but the overall enforcement of the event would fall to residents as staff from the Council would not be in attendance. Emma Thompson confirmed that the Licensing Authority would normally be deployed for large scale events like Cowley Road Carnival and Common People and this would also be the case with this event. Emma Thompson then continued to say that the Council's Out of Hours Service also works late weekends and that they were contactable via the Council's main telephone number.

Cllr Liz Wade then stated that this application would result in the loss of parking for ordinary users which was backed up by Ms Johnson stating that three open spaces would be lost to the additional parking required for this event and that this would not be fair to ordinary park users. Cllr Wade was concerned about children getting lost on the footprint of the event or car parking area, she recommended granting a licence for one year with a capacity of 4999 and then reassess and make a new application next year for a bigger event if all goes well with no problems.

## **Decision and Reasons of the Sub-Committee**

1. The Sub-Committee considered all submissions, both written and oral. It also had regard to the relevant Home Office Guidance and the Council's Statement of Licensing Policy.
2. The Sub-Committee focused on whether granting the Application would have any unreasonable impact on the Licencing Objectives.
3. The Sub-Committee did not consider points made on the application process or the validity of the application itself or the way in which representations had been accepted. Such matters are delegated in the Council's Constitution and Statement of Licensing Policy (SLP) to the Head of Regulatory Services and Community Safety and his officers. The Sub-Committee accepted that Officers had referred the Application to the Sub-Committee as validly made and assessed the relevance of representations.
4. The Sub-Committee were aware that Oxford City Council holds an existing premises licence which permits licensable activities at Cutteslowe Park. However, the SLP and Home Office Guidance indicate that organisers of large scale outdoor events should apply for a separate 'stand-alone' licence. There is nothing unusual about a single premises benefiting from more than one licence with different provisions for separate events and times.
5. The Applicant holds regular balloon festival events in other places and is experienced and well respected in organising such events. The Sub-Committee had confidence in the applicants' ability and proven track record of holding large scale events within the UK.
6. The Applicant attended the Safety Advisory Group (SAG) as part of making the Application as required by the SLP and has undertaken to adhere to all requirements made by the SAG.
7. Thames Valley Police agreed a set of conditions (Appendix 2) with the Applicant and have not objected to the application. The Sub-Committee were satisfied that the conditions agreed with Thames Valley Police during the consultation period would uphold the Licensing Objectives.
8. Fire and Rescue (the Responsible Authority for safe capacity limits, Home Office guidance para 2.13 and the Regulatory Reform (Fire Safety) Order 2005) made no adverse comment.
9. Environmental Protection (Responsible Authority for noise control) made no objection.
10. The Responsible Authority for health and safety also made no objection.
11. No Responsible Authority objected to the Application.

12. The Sub Committee considered that the relevant Responsible Authorities should be its primary guide as to the potential for impact of the event on the Licensing Objectives.
13. The Sub Committee considered the Report and representations made by Interested Parties. It had regard to the Statement of Licensing Policy, in particular policies PP14 (Large Scale Outdoor Events), PP15 (Public Spaces and Council Controlled Premises), OS1, OS2, OS3, and OS4 (Safety, Premises Management, log book, Occupancy limits) and Home Office Guidance, in particular paragraphs 5.25, 2.12-13.
14. With adherence to the measures set out in the Application and those required by the agreed conditions, including a detailed Event Management Plan (EMP), to be agreed by the SAG, the Sub-Committee were satisfied that the event could be carried on without compromising the Licensing Objectives or causing unreasonable disturbance to local residents.
15. Consideration was given to a time limited premises licence but the Sub-Committee did not consider this necessary for the reasons given above and because an application for a review of the licence could be made to the licensing authority by a responsible authority or any other person.
16. The Sub-Committee considered the merits of the amended hours for the sale of alcohol to the application.
17. With the following elements amended and subject to the conditions in Appendix 2, the application was **GRANTED**:

- Sale of Alcohol (On and Off Sales) Saturday: 11:00 hours to 22:30 hours

**Signed: Councillor Colin Cook**

A handwritten signature in black ink, appearing to read 'Colin Cook', written over a horizontal line.

**Chair of Licensing Sub-committee**

**Notes:**

- A. The applicant, and any responsible authority or interested party that has made representations upon the application has a right of appeal to the Magistrates' Court against this decision. If you wish to appeal you must do so within 21 days of being notified of the decision.