

*Please ask for:*

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15 February 2008

## **S U M M O N S**

**MEETING:** Emergency Sub-Board  
**DATE:** 18 February 2008  
**TIME:** 4.00pm  
**PLACE:** Committee Room 2, Town Hall, Gosport  
**Democratic Services contact:** Geoff Rawling

LINDA EDWARDS  
BOROUGH SOLICITOR

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### **MEMBERS OF THE SUB-BOARD**

The Mayor (Councillor Gill) (ex-officio)  
Councillor Cully (Chairman)  
Councillor Smith (Vice-Chairman)

Councillor Burgess  
Councillor Chegwyn

Councillor Hook  
Councillor Langdon

### **FIRE PRECAUTIONS**

(To be read from the Chair if members of the public are present)

**In the event of the fire alarm (continuous ringing) or controlled evacuation alarm (intermittent ringing) sounding, please leave the room immediately.**  
**Proceed downstairs by way of the main stairs or as directed by GBC staff, follow any of the emergency exit signs. People with disability or mobility issues please identify yourself to GBC staff who will assist in your evacuation of the building.**

**IMPORTANT NOTICE:**

- If you are in a wheelchair or have difficulty in walking and require access to the Committee Room on the First Floor of the Town Hall for this meeting, assistance can be provided by Town Hall staff on request

If you require any of the services detailed above please ring the Direct Line for the Democratic Services Officer listed on the Summons (first page).

**NOTE:**

- i. Members are requested to note that if any member wishes to speak at the Sub-Board meeting then the Borough Solicitor is required to receive not less than 24 hours prior notice in writing or electronically and such notice shall indicate the agenda item or items on which the member wishes to speak.
- ii. Please note that mobile phones should be switched off for the duration of the meeting.

**AGENDA**

**PART A ITEMS**

RECOMMENDED  
MINUTE FORMAT

1. APOLOGIES FOR NON-ATTENDANCE
2. DECLARATIONS OF INTEREST

*All Members present are required to declare, at this point in the meeting or as soon as possible thereafter, any personal or personal and prejudicial interest in any item(s) being considered at this meeting.*

3. MINUTES OF THE MEETING OF THE SUB-BOARD HELD ON 29 OCTOBER 2007

*To approve as a correct record the Minutes of the meeting of the Emergency Sub-Board held on 29 October 2007 (copy herewith).*

4. DEPUTATIONS – STANDING ORDER 3.5

*(NOTE: The Sub-Board is required to receive a deputation(s) on a matter which is before the meeting of the Sub-Board provided that notice of the intended deputation and its object shall have been received by the Borough Solicitor by 12 noon on Thursday, 14 February 2008. The total time for deputations in favour and against a proposal shall not exceed 10 minutes).*

5. PUBLIC QUESTIONS – STANDING ORDER 3.6

*(NOTE: The Sub-Board is required to allow a total of 15 minutes for questions from members of the public on matters within the terms of reference of the Sub-Board provided that notice of such Question(s) shall have been submitted to the Borough Solicitor by 12 noon on Thursday, 14 February 2008).*

6. APPLICATION FOR USE OF STOKES BAY FOR FOLK FESTIVAL

Part II

*To advise the Sub-Board of an application from Hampshire Festivals Ltd. for use of Stokes Bay for holding a Folk Festival.*

Contact Officer:  
David Martin  
Ext 5512

7. ANY OTHER ITEMS  
which the Chairman determines should be considered, by reason of special circumstances, as a matter of urgency.
8. EXCLUSION OF PUBLIC  
To consider the following motion:

Emergency Sub-Board  
18 February 2008

That in relation to the following item the public be excluded from the meeting, as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the item there would be disclosure to them of exempt information within Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972, and further that in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons set out below.

**PART B ITEM**  
**FOLLOWING THE EXCLUSION OF PRESS AND PUBLIC**

Item No.	Item	Paragraph no. 3 of Part I of Schedule 12A of the Act	
9.	Agreement of proposed Heads of Terms for disposal	The item under discussion includes financial and business information of third parties. Disclosure of such information could prejudice current and future negotiations for the disposal of land that would not be in the interest of the Council Tax Payers of Gosport and therefore, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.	Part II Ian Lycett Ext: 5201

29 October 2007

**A MEETING OF THE EMERGENCY SUB-BOARD  
WAS HELD ON 29 OCTOBER 2007**

The Mayor (Councillor Gill) (ex-officio) (P); Councillors Burgess (P), Chegwyn (P), Cully (P), Hook, Langdon (P) and Smith (P).

Also in attendance: Councillor Wright (Chairman, Personnel Sub-Board).

**1. ELECTION OF CHAIRMAN AND VICE CHAIRMAN FOR THE REMAINDER OF THE 2007/08 MUNICIPAL YEAR**

RESOLVED: That Councillors Cully and Smith be appointed Chairman and Vice Chairman respectively of the Emergency Sub-Board for the remainder of the 2007/08 Municipal Year.

**2. APOLOGY**

An apology for inability to attend the meeting was submitted on behalf of Councillor Hook.

**3. MINUTES**

RESOLVED: That the Minutes of the meeting of the Emergency Sub-Board held on 19 March 2007 be approved and signed by the Chairman as a true and correct record.

**PART II**

**4. EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED: That in relation to the following item the public be excluded from the meeting, as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the item there would be disclosure to them of exempt information within Paragraphs 1, 2 and 3 of Part 1 of Schedule 12A to the Local Government Act 1972, and further that in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

**5. STAFFING MATTER**

The Chief Executive gave a verbal report on a staffing matter.

RESOLVED: That the proposals outlined by the Chief Executive in his verbal report are agreed.

**CHAIRMAN**

## AGENDA ITEM NO. 6

<b>Board/Committee:</b>	<b>EMERGENCY SUB BOARD</b>
<b>Date of meeting:</b>	<b>18 FEBRUARY 2008</b>
<b>Title:</b>	<b>APPLICATION FOR USE OF STOKES BAY FOR FOLK FESTIVAL</b>
<b>Author:</b>	<b>LEISURE &amp; CULTURAL SERVICES MANAGER</b>
<b>Status:</b>	FOR DECISION

### **Purpose**

To advise the Sub Board of an application from Hampshire Festivals Ltd. for use of Stokes Bay for holding a Folk Festival.

### **Recommendation**

The Sub Board is requested to consider the report and to reach a decision on the application.

#### **1. Background**

- 1.1 An application has been received from Hampshire Festivals Ltd. for permission to hold a Folk Festival on Stokes Bay between Thursday 31 July and Sunday 03 August 2008.
- 1.2 The event proposes to provide live music and entertainment between 1800 and 2300 on the Thursday 31st and between 1300 and 2300 on the Friday, Saturday and Sunday.
- 1.3 The event would also include craft stalls, a solar powered cinema tent, children's entertainers and a licensed bar. A campsite for weekend season ticket holders is also requested on adjacent GBC land.
- 1.4 The organiser recognises that the request will require a variation to the existing Premises Licence for Stokes Bay, issued under the Licensing Act 2003. This will be necessary for two reasons:
  - (i) the area of land requested extends beyond the current licensed area and
  - (ii) the proposed times of entertainment extend beyond the current licence permission.
- 1.5 The organiser is keen to receive a prompt reply to progress the arrangements and hopes that the necessary procedures for advertising and consideration of the licence issues can be progressed as soon as possible.

- 1.6 In line with normal practice, as this request is for a new provision in Stokes Bay, consultation was made with the ward councillors for both Anglesey and Alverstoke wards as the event proposes to make use of land that straddles the two wards. In the event that there are differing views over the granting of permission, the normal practice is for a report to be submitted to the relevant Board for consideration.
- 1.7 A plan of Stokes Bay has been attached as Appendix A to show the outline layout being proposed.
- 1.8 From the consultation, some Members raised various queries and concerns. These have been listed, together with officer comments and are attached to the report as Appendix B.

## **2 REPORT**

### ***Safety Advisory Group***

- 2.1 Given the scale of the proposed event, the details of the application were considered by the Safety Advisory Group (SAG) on Monday 4th February 2008. The group consists of Borough Council officers involved in the management and licencing of the land and health and safety issues. Other representatives included those from the Local Highway Authority, Emergency Planning and Traffic Management services, Hampshire Police, Fire & Rescue and the Ambulance service.
- 2.2 The role of the SAG is to consider the proposed organisational arrangements for the event and to ensure that public interest in Council letting the use of this land is safeguarded. Any concerns or queries can be raised with organisers who then have an opportunity to address and resolve any matters. SAG does not make recommendations to the Council.
- 2.3 There were a number of questions in respect of access, impact on the immediate environment, safety arrangements, security and the possible implications of a Bus Rally event proposed for Sunday 3rd August. Although the organiser was able to respond to these queries, it was felt that more detail in respect of the proposed layout and daily arrangements during the Festival was necessary to reassure all service representatives that the various issues were adequately addressed. It was agreed that the organiser would submit further details to SAG in due course for consideration and it was noted that the next scheduled meeting was due in April 2008.
- 2.4 This Sub Board is requested to consider the application for use of the land and to decide whether permission should be granted. In the event that permission is granted, then a separate application will need to be submitted to the Licensing Board for the appropriate premises licence. Any application will be subject to time constraints in regard to advertising of the application and final determination if necessary by

the Licensing Sub Board. To address this, a minimum period of 56 days prior to the event must be built into any application.

- 2.5 Members may wish to consider whether a decision can be made 'in principle' at this time, and that, subject to all concerns of SAG being satisfactorily addressed, a final decision by the Leisure & Cultural Services Officer be made in consultation with the Chairman of the Community and Environment Board.

### ***Licence for Event***

- 2.6 The organiser has been advised that prior to the submission of a licence application, confirmation for the use of the land will first need to be obtained to avoid any unnecessary licensing costs being incurred in the event that permission was not forthcoming. The organiser is also keen to receive an early response from the Borough Council in order to confirm the commitments that are required to secure infrastructure and bookings for artists and other participants.
- 2.7 If this Sub Board decides to approve the use of the land for the proposed event, it will be necessary to license the required area, as this is not covered by the current licence for Stokes Bay (see para. 1.4 above). It is felt more appropriate to submit an application for a new licence than to vary the current premises licence as it is necessary to address the request for a larger area as well as different operational times (the current licence is area specific and runs to 21.00hrs). This would also allow the Council to assess whether this area of open space was suitable for this type of event in the future.

## **3 FINANCIAL IMPLICATIONS**

- 3.1 The organiser has clarified that no funding is requested from the Council and that all costs associated with the event will be met by Hampshire Festivals Ltd. The setting of a charge for use of the land for such an event currently falls within the purview of negotiation with the Leisure & Cultural Services Manager (see Fees & Charges Book).
- 3.2 A deposit will be requested from the organiser to be held against any costs incurred by the Council should damage be caused to the land. Any reinstatement would be undertaken by the Council's nominated contractor and costs of such work deducted from the deposit. Officers have advised that a deposit of £5,000 would be appropriate for this event.
- 3.3 In addition to the deposit, a fee for hire of the land will be charged, together with costs for applying for a licence. The organiser accepts these arrangements. Licence costs are in the order of £400 - 500. A fee of £5,000 is considered to be an appropriate hiring fee for this event.

## **4 RISK IMPLICATIONS**

- 4.1 Large scale public events pose a risk to those attending as well as other members of the public who may be affected indirectly by the activities.

As the proposals for the event have been considered by the SAG, the Council is able to ensure that any foreseeable risks are identified and any mitigation measures to address any concerns are made explicit to the organiser as hirer of the land and the Council as landlord.

- 4.2 Previous experience has shown that, even where events are suitably organised, damage can occur to the land being used e.g. weather conditions may create soft ground.

The requirement for a deposit from the organiser will allow the Council to undertake any remediation work in the event that the land is damaged.

- 4.3 The risk exists whereby members of the public may suffer injury, loss etc, as a result of taking part in an event.

The agreement for use of the land requires the organiser to indemnify the Council against any claims made for incidents arising as a result of the event being held on public open space. The insured level required will be in the range of £10 - £25 million, dependent on a detailed risk assessment of the event.

- 4.4 The Deeds for the land contain entries affecting the site "...that no noisy or offensive business is to be carried on, not anything that would become a nuisance or annoyance to adjoining property." The benefit of the restrictions is held by the Secretary of State.

The granting of permission for use of the land may place restrictions on the organiser to implement measures to mitigate the effects of activities that may give rise to causes for complaint. Alternatively, certain conditions may be placed on the organiser by the Licencing Board.

## **5 CONCLUSIONS**

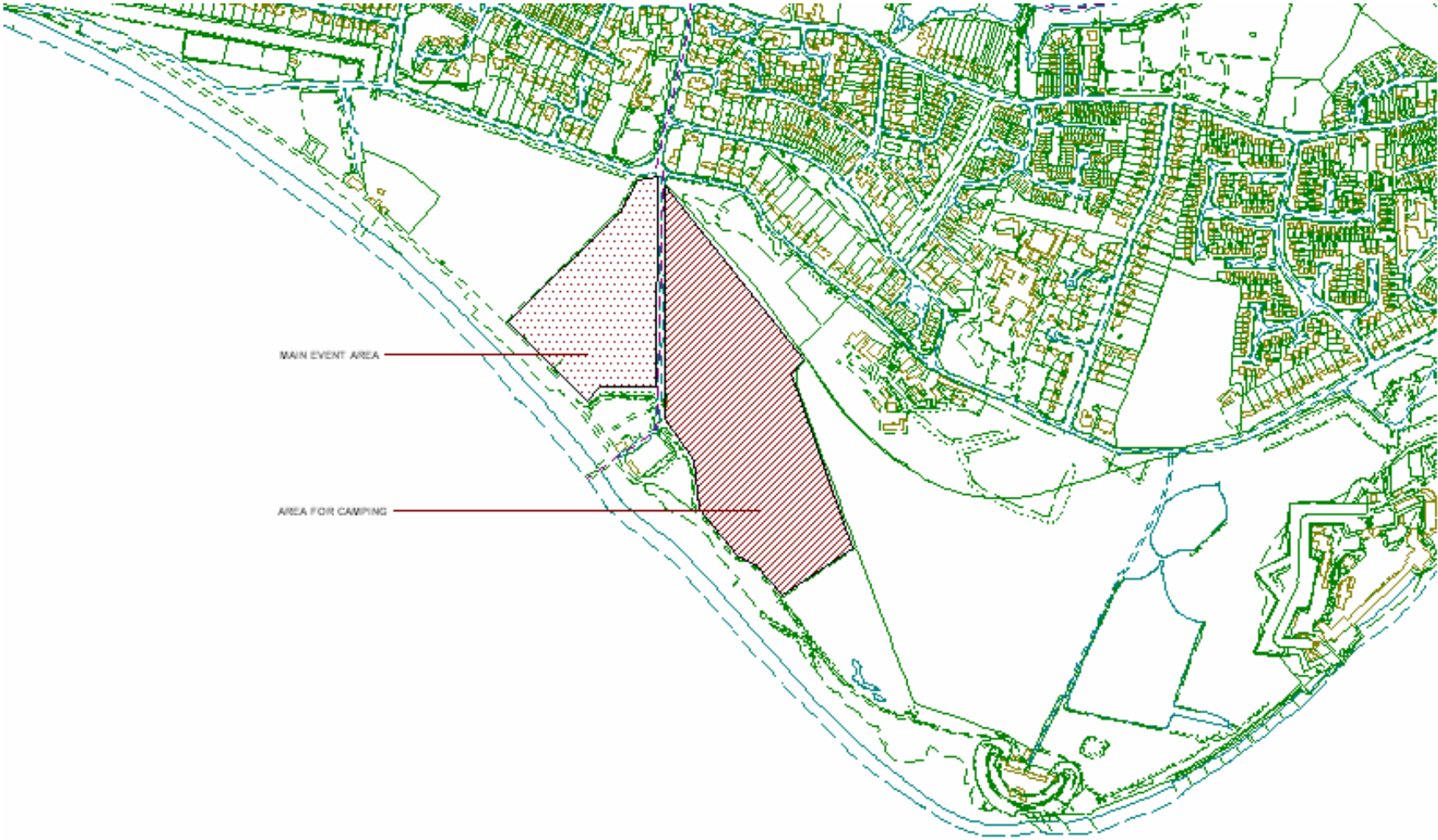
- 5.1 An application has been received from Hampshire Festivals Ltd. for permission to hold a Folk Festival on Stokes Bay between Thursday 31 July and Sunday 03 August 2008.

- 5.2 Consultation has taken place with the local Ward Councillors to seek their views and allow any concerns and /or queries to be clarified.

- 5.3 The proposals for the event have been considered by the Safety Advisory Group (SAG).

- 5.4 In the event that permission is given for use of the land, the Council will need to apply for a licence to cover the required area.
- 5.5 The organiser is to fund all costs associated with the event and the Council will receive an income by way of a hiring fee.
- 5.6 The risks associated with the proposed event have been identified and measures taken to address these.

<b>Financial Services comments:</b>	No funding is required from the council for this event (paragraph 3.1) The required deposit against damage and fee for use are at paragraphs 3.2 and 3.3. The required insurance level is at paragraph 4.3
<b>Legal Services comments:</b>	In order to minimise the risk of a breach of the covenant set out in 4.4 The Council will need to consider what controls/covenants will need to be imposed in the licence arrangement to minimise the risk of any action for breach of covenant
<b>Service Improvement Plan implications:</b>	There is no specific action in the Plan for this event. However, the Council is responding in the normal way to requests for use of Council land.
<b>Corporate Plan:</b>	No implications.
<b>Risk Assessment:</b>	As set out in Section 4 above.
<b>Background papers:</b>	Request letter from Hampshire Festivals Ltd.
<b>Appendices / Enclosures:</b>	
Appendix 'A'	Plan of Stokes Bay
Appendix 'B'	Members' Queries and Concerns
<b>Report Author / Lead Officer:</b>	David Martin



## APPENDIX B

QUERY / CONCERN	RESPONSE / DETAIL
Concerned as to the time the event will finish each evening.	The existing licence only allows activity / entertainment until 2130
Would like assurances regarding the provision of facilities available.	See answers to issues below
If there is to be camping etc what washing and toilet facilities etc will be provided?	It is proposed that portable units for washrooms, showers and toilets are provided.
Would like to know how many people are expected to attend?	The marquee that would be erected can accommodate up to 3000 people. However, I understand that up to 2000 are more likely to attend.
What safety measures will be put in place?	A full Event Management Plan is required to be presented to SAG and approved - as per the arrangements for the Waterfront festival.
Who will be running the event?	Hampshire Festivals Ltd.
Will it be a free event?	No - it is proposed to be a ticket event only to control entry.
If there is to be a charge how will the area be cordoned off?	Two sets of Heras fencing to create a zone within a zone.
What security will be put in place?	Full compliment of Accredited Security Staff
Who are Hampshire Festivals?	The Letterhead states Hampshire Festivals Inc. Gosport & Fareham Easter Festival and Wickham Festival. The address is Unit B7, The Sanderson Centre, Lees Lane. The letter is signed by Mr Peter Chegwyn on behalf of Hampshire Festivals and Wickham Festival Ltd.
Do they have sufficient funding to put this event on?	The organiser clarified that GBC will not be asked for any funds.
Will they be requesting grant aid?	As above
Will this be a private festival with no council involvement?	At exploratory meetings, it has been stressed that no funding is being sought from the Council.
What is their pedigree?	From the letterhead, it implies that they organise the Gosport & Fareham Easter Festival and Wickham Festival.
Are they a properly structured organisation with audited accounts?	No documentation of structure or accounts has yet been inspected
Why is this being hurried?	The organiser wishes to enter into commitments with artists and infrastructure companies.
Proper consultation should be carried out with residents affected?	Initially, views are being sought of the Chairman of C&E Board plus the Ward Members for Alverstoke and Anglesey. Subject to those views, it may then be necessary to consult with a wider audience. e.g. Friends of Stokes Bay would be consulted. In the event of differing views among Members, it would be intended to seek a decision of the C&E or another Board.
Are there any politicians involved and will they be declaring an interest?	Peter Chegwyn is the signatory of the letter on behalf of the organisers. In the meetings that have been held, Mr Chegwyn has acted as a private individual and has not used his Councillor title in any correspondence.
Will they be charged?	A charge would be made on a commercial basis. The Council's Fees & Charges Book allows for such fees to be negotiated between the organiser and the Leisure & Cultural Services Manager.

# FINAL

## AGENDA ITEM NO.

<b>Board/Committee:</b>	<b>EMERGENCY SUB BOARD</b>
<b>Date of meeting:</b>	<b>18 FEBRUARY 2008</b>
<b>Title:</b>	<b>APPLICATION FOR USE OF STOKES BAY FOR FOLK FESTIVAL</b>
<b>Author:</b>	<b>LEISURE &amp; CULTURAL SERVICES MANAGER</b>
<b>Status:</b>	<b>FOR DECISION</b>

### **Purpose**

To advise the Sub Board of an application from Hampshire Festivals Ltd. for use of Stokes Bay for holding a Folk Festival.

### **Recommendation**

The Sub Board is requested to consider the report and to reach a decision on the application.

#### **1. Background**

- 1.1 An application has been received from Hampshire Festivals Ltd. for permission to hold a Folk Festival on Stokes Bay between Thursday 31 July and Sunday 03 August 2008.
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and consideration of the licence issues can be progressed as soon as possible.

- 1.6 In line with normal practice, as this request is for a new provision in Stokes Bay, consultation was made with the ward councillors for both Anglesey and Alverstoke wards as the event proposes to make use of land that straddles the two wards. In the event that there are differing views over the granting of permission, the normal practice is for a report to be submitted to the relevant Board for consideration.
- 1.7 A plan of Stokes Bay has been attached as Appendix A to show the outline layout being proposed.
- 1.8 From the consultation, some Members raised various queries and concerns. These have been listed, together with officer comments and are attached to the report as Appendix B.

## **2 REPORT**

### ***Safety Advisory Group***

- 2.1 Given the scale of the proposed event, the details of the application were considered by the Safety Advisory Group (SAG) on Monday 4th February 2008. The group consists of Borough Council officers involved in the management and licencing of the land and health and safety issues. Other representatives included those from the Local Highway Authority, Emergency Planning and Traffic Management services, Hampshire Police, Fire & Rescue and the Ambulance service.
- 2.2 The role of the SAG is to consider the proposed organisational arrangements for the event and to ensure that public interest in Council letting the use of this land is safeguarded. Any concerns or queries can be raised with organisers who then have an opportunity to address and resolve any matters. SAG does not make recommendations to the Council.
- 2.3 There were a number of questions in respect of access, impact on the immediate environment, safety arrangements, security and the possible implications of a Bus Rally event proposed for Sunday 3rd August. Although the organiser was able to respond to these queries, it was felt that more detail in respect of the proposed layout and daily arrangements during the Festival was necessary to reassure all service representatives that the various issues were adequately addressed. It was agreed that the organiser would submit further details to SAG in due course for consideration and it was noted that the next scheduled meeting was due in April 2008.
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submitted to the Licensing Board for the appropriate premises licence. Any application will be subject to time constraints in regard to advertising of the application and final determination if necessary by the Licensing Sub Board. To address this, a minimum period of 56 days prior to the event must be built into any application.

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The requirement for a deposit from the organiser will allow the Council to undertake any remediation work in the event that the land is damaged.

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## **5 CONCLUSIONS**

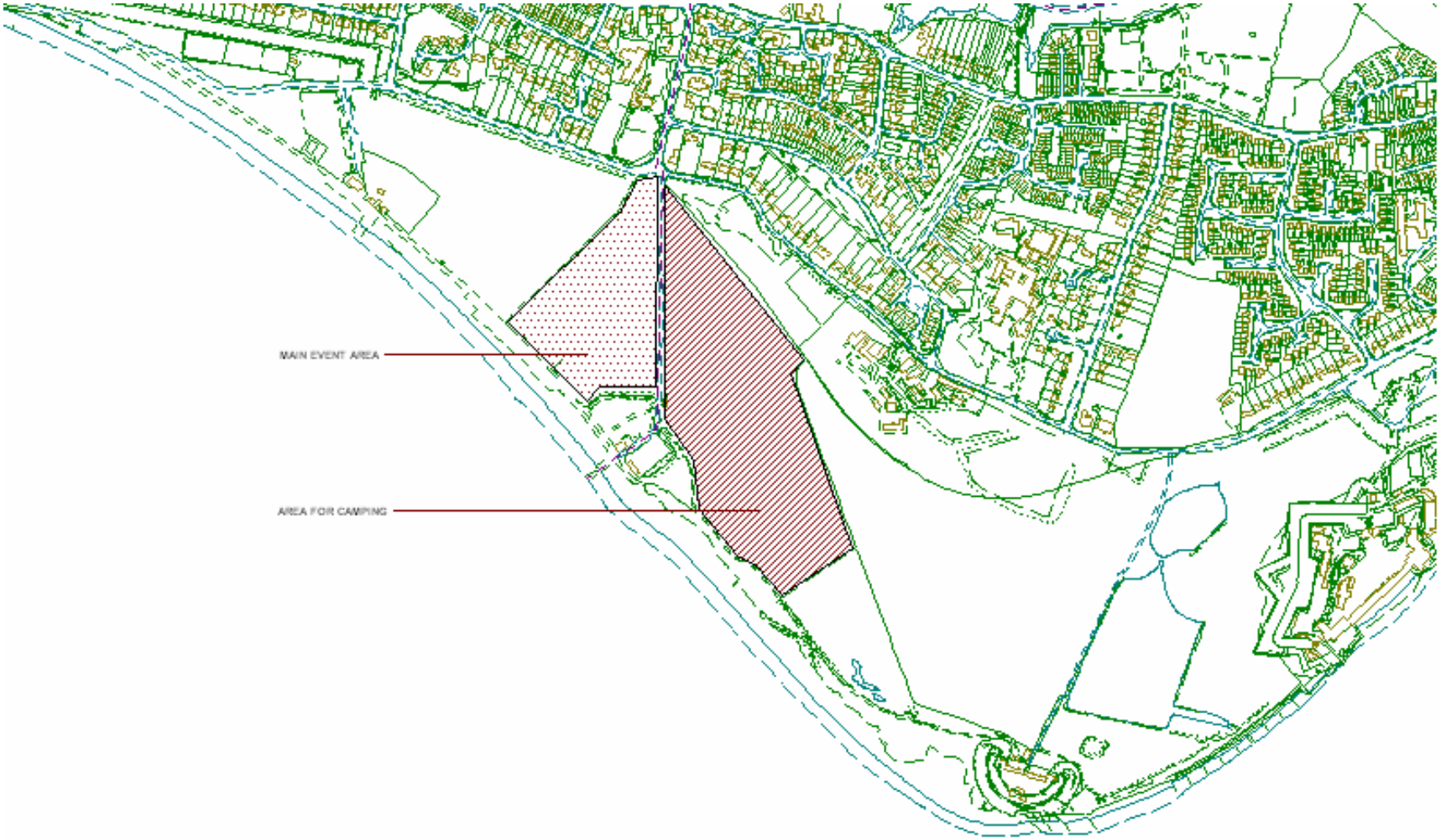
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<b>Financial Services comments:</b>	No funding is required from the council for this event (paragraph 3.1) The required deposit against damage and fee for use are at paragraphs 3.2 and 3.3. The required insurance level is at paragraph 4.3
<b>Legal Services comments:</b>	In order to minimise the risk of a breach of the covenant set out in 4.4 The Council will need to consider what controls/covenants will need to be imposed in the licence arrangement to minimise the risk of any action for breach of covenant
<b>Service Improvement Plan implications:</b>	There is no specific action in the Plan for this event. However, the Council is responding in the normal way to requests for use of Council land.
<b>Corporate Plan:</b>	No implications.
<b>Risk Assessment:</b>	As set out in Section 4 above.
<b>Background papers:</b>	Request letter from Hampshire Festivals Ltd.
<b>Appendices / Enclosures:</b>	
Appendix 'A'	Plan of Stokes Bay
Appendix 'B'	Members' Queries and Concerns
<b>Report Author / Lead Officer:</b>	David Martin

APPENDIX A



MAIN EVENT AREA

AREA FOR CAMPING

## APPENDIX B

QUERY / CONCERN	RESPONSE / DETAIL
Concerned as to the time the event will finish each evening.	The existing licence only allows activity / entertainment until 2130
Would like assurances regarding the provision of facilities available.	See answers to issues below
If there is to be camping etc what washing and toilet facilities etc will be provided?	It is proposed that portable units for washrooms, showers and toilets are provided.
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Will it be a free event?	No - it is proposed to be a ticket event only to control entry.
If there is to be a charge how will the area be cordoned off?	Two sets of Heras fencing to create a zone within a zone.
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Will they be requesting grant aid?	As above
Will this be a private festival with no council involvement?	At exploratory meetings, it has been stressed that no funding is being sought from the Council.
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