PERTH AND KINROSS COUNCIL

Licensing Committee

20 February 2014

PUBLIC ENTERTAINMENT LICENCE: T IN THE PARK, BALADO AIRFIELD, KINROSS

Report by Head of Legal Services

PURPOSE OF REPORT

This report asks the Committee to consider a request by DF Concerts to vary the conditions of their Public Entertainment Licence for T in the Park, so that the operating times stipulated for public entry and entertainment, on Friday of the event, are extended by three hours and one hour, respectively.

1. BACKGROUND / MAIN ISSUES

- 1.1 The Council as licensing authority can, under Section 41(3) of the Civic Government (Scotland) Act 1982, attach or vary conditions of a public entertainment licence.
- 1.2 The Licensing Committee has delegated powers under the Council's Scheme of Administration to exercise discretion in terms of any condition attached to licences where approval of the Council as licensing authority is required under the Civic Government (Scotland) Act 1982.
- 1.3 This year's T in the Park event is due to take place between 10 and 13 July 2014 at Balado Airfield, Kinross.
- 1.4 The Public Entertainment Licence was renewed in July 2013 for a period of 2 years and amended at a Licensing Committee meeting on 12 December 2013.
- 1.5 The current licence, allows the public access to the arena and the entertainment to start at 3.00pm. However, the Licensee has previously been opening the arena at 4.00pm and starting the entertainment at 4.30 pm.
- 1.6 The main issue raised for the arena is the potential for noise over a longer period. However, experience has shown that the principal source of concern has been noise from the campsite rather than the arena where the maximum level of noise permitted is lower and the entertainment times would remain unchanged.
- 1.7 The control of noise for the event is managed through the licensing process and the Environmental Management Plan, developed for the event each year. Environmental Health staff work to a standard of no higher than 65 decibels (dBA) at noise sensitive premises such as residential areas, when the arena entertainment is in operation (currently until midnight). These levels are

monitored by remote sound meters, which send signals back to a central point, and also by Environmental Health staff taking noise measurements in the community.

1.8 Members of the Multi Agency Group, which includes the local elected members, have been consulted in relation to the request. The Community Councils have also been consulted. No representations or objections have been received from the Police. Representations have been made by elected members about noise from previous events.

2. PROPOSALS

- 2.1 The Licensee has submitted a request to vary the licence by extending the operating time in the main arena on Friday. The Licensee is now seeking a variation of the licence to allow the arena to be open to the public at 12 noon and the entertainment to start at 2.00pm. Their letter outlining the reasons for the request is attached to this report as Appendix One. The current licensing conditions as amended on 12 December 2013 are attached as Appendix Two.
- 2.2 If the arena was to open at 12 noon this would necessitate a change to the "Arena Inspection Meeting Time" detailed in the licensing conditions. The current inspection time meeting for Friday of the event is 1.00pm based on the arena opening at 3.00pm. This meeting time would have to be brought forward to 10.00am, to allow sufficient time to resolve any issues which could impact on the arena opening at 12noon.
- 2.3 It is hoped that an earlier opening time would result in a more gradual arrival of visitors to the event thereby reducing the impact of traffic on the local road network and that there would be a positive economic benefit in visitors spending a longer period of time in the local area.
- 2.4 The proposed change of the operating hours for the event must be considered by the Committee. The Licensee has requested that early consideration be given to the request to enable planning to take place for this year's event.
- 2.5 Members of the Multi Agency Group will be invited to attend the meeting.

3. CONCLUSION AND RECOMMENDATION(S)

- 3.1 It is recommended that the Committee considers the request by the Licensee to increase the operating times on a Friday to allow the main arena to be open to the public from 12 noon and that the entertainment to start at 2.00pm.
- 3.2 It is recommended that the Committee considers changing "the Arena Inspection Time" specified in the conditions from 1.00pm to 10.00am.

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Approved

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Council Text Phone Number 01738 442573

1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Community Plan / Single Outcome Agreement	Yes
Corporate Plan	Yes
Resource Implications	
Financial	None
Workforce	None
Asset Management (land, property, IST)	None
Assessments	
Equality Impact Assessment	Yes
Strategic Environmental Assessment	Yes
Sustainability (community, economic, environmental)	None
Legal and Governance	None
Risk	None
Consultation	
Internal	None
External	Yes
Communication	
Communications Plan	None

1. Strategic Implications

Community Plan / Single Outcome Agreement

1.1 The proposal relates to the delivery of the Perth and Kinross Community Plan / Single Outcome Agreement in terms of the priority - Promoting a prosperous, inclusive and sustainable economy

Corporate Plan

1.2 The proposal relates to the achievement of the Council's Corporate Plan Priority -Promoting a prosperous, inclusive and sustainable economy;

2. Resource Implications

<u>Financial</u>

N/A

Workforce

N/A

Asset Management (land, property, IT)

N/A

3. Assessments

3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.

The proposal has been considered under the Corporate Equalities Impact Assessment process (EqIA) and is **not relevant** for the purposes of EqIA

Strategic Environmental Assessment

3.3 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals. However, no further action is required as it does not qualify as a PPS as defined by the Act and is therefore exempt.

Sustainability

N/A

Legal and Governance

N/A

<u>Risk</u>

N/A

4. Consultation

As indicated in paragraph 1.3 of the report all agencies and elected members involved in the Multi-Agency Group as well as Community Councils have been consulted in relation to this request.

5. Communication

N/A

2. BACKGROUND PAPERS

No background papers as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing the report.

3. APPENDICES

Appendix 1 – the letter outlining the reason for the request.

Appendix 2 – the current licensing conditions

Dear Mr McNamara,

As you are aware, one of the successes of T in the Park comes from an annual review and debrief of the event at all levels. Another success has been our ability to recognise and foresee the changing demands of our customers. With this in mind, we would like request a variation to the licensed opening times on the Friday of the festival. We would like to open the arena to the public at 12 noon on the Friday with the music starting at 2pm. Currently we open the arena at 4pm and the music begins at 4.30pm.

The change in times will allow us to improve our current offering to day ticket holders. Day tickets on a Saturday and Sunday allow entry to the arena from 11.30am and from our surveys we have had feedback to reflect that a change to the times would satisfy customer demand.

Specifically the benefits to the customer would be earlier access to the arena, allowing them to see more bands on the Friday and additionally, campers who have arrived on Thursday would also benefit from these changes.

In terms of the local community, the changes in time should not have a significant impact at this time of day but instead the community should benefit from the traffic impact on the local road network being improved due to a predicted earlier and gradual arrival onsite, making rush hour traffic later in the day easier to manage. Further to this, we believe that there would be a positive local economic impact with people arriving in area earlier and therefore spending for a longer period of time.

* · ·	Current License	2013 Operational Times	Proposed License Times for 2014
Opening Time	3pm	4pm	12 midday
Entertainment	3pm	4.30pm	2pm

The current plan for going on sale is to announce at the end of February 2014 so we would request an amendment to be considered at your earliest opportunity.

We understand that the next committee date is the 20th February and rather than presenting this change to the public as a 'subject to licence' we would ask that we present at this Committee date.

In turn we will facilitate the necessary Community Council meetings and will liaise directly with the relevant multi-agency groups to comply with the requirements. We appreciate that this will extend the working hours of certain agencies on site and we have taken this into consideration.

Kind regards

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APPENDIX 2

T IN THE PARK CONDITIONS 2014

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1 PLANNING AND ORGANISATION

1.1 GENERAL

- 1.1.1 These conditions are attached to the Public Entertainment Licence issued in terms of the Civic Government (Scotland) Act 1982 to ensure the Health, Safety and Welfare of patrons, artistes, crew, staff on site and the wellbeing of the surrounding community.
- 1.1.2 The Licence Holder shall be fully conversant with the publication produced by The Health and Safety Executive "The Event Safety Guide A Guide to Health, Safety and Welfare at Music and Similar Events (HSG 195)" or any subsequent amendments to the Guide. The Licence Holder shall at all times follow the guidance detailed therein unless subject to more specific requirements imposed by the Licence or imposed by virtue of any other enactment.
- 1.1.3 The Licence Holder shall have a primary and continuing obligation and responsibility to ensure the safety and health of all persons on the licensed site, both in normal and emergency situations and shall take all necessary precautions to fulfil that obligation.
- 1.1.4 The granting of the Licence does not absolve the Licence Holder from any obligations he may have under other enactments and in particular the Health and Safety at Work Act 1974.
- 1.1.5 The Licence Holder shall take all necessary steps to inform any promoter, performer or other person connected with, or involved with, the organisation of the event, of these conditions. It is the responsibility of the Licence Holder to ensure that any promoter, performer or other person connected with the event does not breach, or permit, or contribute to any breach of any term, condition or restriction of this licence before, during or after the event.
- 1.1.6 Except where otherwise stated all parts of the general Licence shall apply in respect of the car parks and campsite.
- 1.1.7 The Licence Holder shall provide a copy of a Risk Assessment survey to the Head of Environmental and Consumer Services with regard to the entire site not less than 4 weeks prior to the commencement of the event.
- 1.1.8 All Members of Public Authorities acting in the course of their duties and either in uniform, or with the appropriate ID from that Authority together with an event pass, shall be permitted to enter the site or any part thereof at any time prior to, during or after, the event for the purposes of inspection. They shall also be allowed to use such access or egress gates as are necessary if any urgent response is required.

- 1.1.9 The Licence Holder shall reach agreement with all public authorities, including Police Scotland and the Scottish Fire and Rescue Service, prior to the event as to the reimbursement of costs incurred by the bodies in connection with duties undertaken in relation to the event. Such agreement shall be contained in formal documentation signed by the Licence Holder and submitted to the Chief Executive of Perth and Kinross Council, the Chief Constable (or nominee) and the Chief Fire Officer (or nominee) as appropriate not later than 21 days prior to the event and will include costs incurred, staff overtime, subsistence and transport.
- 1.1.10 The Licence Holder shall reach agreement with Police Scotland for such numbers of Police Officers to undertake duties in relation to the event as The Chief Constable considers necessary for securing the safety of persons present on the site or progressing to or from the site or within a 5 mile radius of the site.
- 1.1.11 The Licence Holder shall be capable of being contacted by the Licensing Authority and Emergency Services throughout the duration of the event and 3 hours prior to the event via the Joint Operations Centre (JOC). The Licence Holder shall establish and maintain a communications link with the Emergency Services at all times during the event and agree in writing with the Licensing Authority and Emergency Services a clear and effective system of communication, not later than 8 days prior to the commencement of the event.
- 1.1.12 The Licence Holder shall nominate specified staff to be available throughout the event at the JOC or other agreed location to receive and respond to the requirements and notifications of the Licensing Authority. In particular the Licence Holder shall appoint a suitably qualified and experienced person to act as the Event Safety Coordinator who will be responsible for:
 - (i) Liaising with lead sub-contractors and any self-employed persons to be employed at the venue to ascertain their competence.
 - (ii) Assisting the Licensing Authority in the inspection of the venue before and during the event and in particular to meet with the Licensing Authority at specific times as detailed in **Appendix 1**.
 - (iii) Assisting the Licensing Authority in the inspection of all structures and electrical services at the venue.
 - (iv) Obtaining and checking all relevant risk assessments, safety policies, hand-over documentation and Safety Certificates for submission to the Licensing Authority by the specified time.
 - (v) Taking appropriate steps to ensure that any unsafe systems of work or the use of any unsafe equipment which is observed is halted until remedial action is taken.
 - (vi) The Licence Holder's own risk assessment.
 - (vii) Liaising with representatives of the licensing authority, emergency services and other involved agencies.

1.1.13 The Licence Holder, with the assistance of the relevant agencies detailed in Table 1 below, will prepare Management Plans for the areas as detailed in Table 1. These plans will include all the relevant provisions to ensure the safety of the event, covering the activities as detailed in the third column of Table 1.

The Licence Holder will ensure that the Management Plans are completed and agreed by all the agencies involved in their preparation, within a timescale as agreed by the relevant agencies involved in each Plan

Table 1

Management Plan	Relevant Agencies	Activities Covered	Date for Plan Completion
Crowd Management, Stewarding and Policing	Police Scotland	 Crowd safety and management Policing Security (within and around the venue) 	20 June 2014
Traffic/Transport Management	Police Scotland Perth and Kinross Council Traffic Scotland Citylink Scottish Fire and Rescue Scottish Ambulance Service	All traffic, travel and transport arrangements	13 June 2014
Contingency Plan	Police Scotland Perth and Kinross Council Scottish Fire and Rescue Scottish Ambulance Service NHS Tayside	Preparing for contingencies	27 June 2014
Media and Communications	Perth and Kinross Council Police Scotland	Media Communications	27 June 2014

Management Plan	Relevant Agencies	Activities Covered	Date for Plan Completion
Safety and Health and Wellbeing Plan (also Medical Plan)	Scottish Ambulance Service NHS Tayside Perth and Kinross Council DAAT Partnership BP	 Medical Public Health Food Safety Health and Safety at Work including fire safety in concessions BP pipeline Environment Plan Special effects and pyrotechnics (other than fire safety aspects) Welfare and Advice Drugs and Alcohol 	13 June 2014
Environment Plan	Perth and Kinross Council SEPA Scottish Water	 Campsite welfare Toilet/facilities Drainage/sewerage Waste Management & Recycling Noise Water supply and quality 	13 June 2014
Structures and Fire Safety Plan	Perth and Kinross Council Scottish Fire and Rescue	 Fire safety Building Standards Safety and Structures Disability Access Special effects and Pyrotechnics (relating to fire safety) 	20 June 2014

It is a requirement of the Licence that these plans are completed within the timescale detailed in Table 1 above. It is a requirement of the Licence that the Licence Holder complies with all duties reasonably placed upon him by the Management Plans detailed in Table 1 above.

1.1.14 The Licence Holder will obtain the necessary alcohol licence in terms of the Licensing (Scotland) Act 2005 with regard to the sale and supply of alcohol.

2 THE SITE

- 2.1 The Licence Holder or nominated representative shall be in charge and be present on the licensed site at all times members of the public are present.
- 2.2 The site comprises the area of ground delineated in the site map, which shall include the campsite and car parking areas.
- There shall be an on-site inspection of all facilities to be provided under the Licence Conditions at the times specified in **Appendix 1**. The purpose of these meetings is to determine whether the site is in a condition that it can be opened for public use. The Licence Holder shall ensure that they are represented at these meetings by a person who has appropriate authority to action any issues or concerns identified by the Licensing Authority.
- 2.4 Not less than 7 days prior to the commencement of the event, the Licence Holder shall provide to Scottish Fire and Rescue, Police Scotland, Scottish Ambulance Service and the Licensing Authority such numbers of sets of "Agreed Maps" in an appropriate grid format, as they may require. The "Agreed Map" shall clearly show all parts of the site, including the areas used for camping, car parking, emergency access points, on site access roads and fire points. The site boundary shall be clearly defined on the plan. The Licence Holder can fulfil this duty by providing these maps in an electronic format, readily available to the abovementioned bodies, and capable of being printed as required by these organisations.
- 2.5 The Licence Holder must give due consideration to allow the identification of different areas and locations within the campsite (such as naming sections and/or colour coding areas on a map), and provide the means by which emergency services responding to an incident will be able to identify location(s).
- 2.6 The Licence Holder will ensure that all facilities on site are adequately illuminated at night including information points, access routes from car parks, gates and thoroughfares where hazards exist. Provision will be made for back up lighting in the event of failure.
- 2.7 Times of opening and musical entertainment both in the arena and the campsite are as detailed in **Appendix 2**.

3 CROWD MANAGEMENT

3.1 The total attendance including ticket holders, artistes, crew, traders and guests during the whole period of the event should not exceed 92,500 on any day.

- 3.2 Admission shall be by ticket or by artiste, crew, trader or guest pass. The total ticket sales during the whole period of the event shall be as detailed in **Appendix 3**. The ticket attendance may only be increased subject prior to written agreement with the Licensing Authority Notwithstanding this, the number to be agreed in advance with the Licensing Authority will not result in the occupant capacity specified in Condition 3.1 above being exceeded. The facilities required and means of escape will reflect any agreed increases in attendance.
- The total **Camping** attendance during the whole period of the event shall be as detailed in **Appendix 3**.
- The Licence Holder shall provide camping pitches at the site to a level or standard as required or agreed by the Licensing Authority and the Emergency Services. No camping will be permitted in any fields used for the parking of vehicles. Camping areas for campervans/caravanettes or similar shall be subject to Scottish Fire and Rescue approval.

4 ACCOMMODATION

- 4.1 The Licence Holder shall, not later than four days prior to commencement of the event, provide for Licensing Authority staff and other approved agencies, the following:
 - (i) A portacabin in area and of such suitable and reasonable size as agreed in writing between the Licence Holder and the Licensing Authority;
 - (ii) Two operational telephones with separate numbers, one to be published, the other to be private and one operational computer line;
 - (iii) Power points for radio and mobile phone battery chargers, electric kettle within the portacabin;
 - (iv) Sanitary accommodation conveniently located to the portacabin;
 - (v) Car parking for staff, to meet the Licensing Authority's reasonable requirements.
 - (vi) Entry passes to car parks and all parts of the site/and arena;
 - (vii) Meal passes and access to refreshments;
 - (viii) Backstage vehicle passes for essential vehicles (approximately six):
 - (ix) 40 hand-held portable radios, with holders and carry straps, plus headset/earphones for each radio, for the use of the Licensing Authority, capable of communication between the control point and a radius of 2 kilometres therefrom. The facility should be provided with a system of "talk through" such that the portable radio users should be able to contact one another.
- 4.2 The Licence Holder shall provide facilities which may be used as a Joint Operation Centre (JOC) which meets with the requirements of all

participating organisations. Each organisation will be responsible for communicating their requirements to the representative of the Licence Holder beforehand.

In addition to the JOC the Licence Holder shall provide to the satisfaction of the Licensing Authority and Emergency Services a suitably equipped Emergency Liaison Centre to accommodate the representatives of the Emergency Services and Perth and Kinross Council responsible for the implementation of the Emergency Plan which meets with the appropriate requirements.

5 INSURANCE

- 5.1 The Licence Holder shall maintain in force at all times during the period of the Public Entertainment Licence Public Liability Insurance in the amount of £25,000,000 any one occurrence in respect of the site; Employer's Liability Insurance with a minimum Indemnity Limit of £10,000,000 any one occurrence, and Public/Product Liability with a minimum Indemnity Limit of £10,000,000 any one occurrence.
- The policy should include Legal Liability for the actions/negligence of the Licence Holder's sub-contractors. The sub-contractors' levels of indemnity should be checked and forwarded with a list of their activities to the Corporate Insurance and Claims Team, Perth and Kinross Council, at least 7 days prior to the commencement of the event.
- 5.3 The policy shall be exhibited to the Licensing Authority no later than 7 days prior to the commencement of the event.

6 DEFAULT

The Senior Police Scotland Officer, the Senior Scottish Fire and Rescue Officer, the Senior Licensing Authority Officer and the NHS Tayside Consultant in Public Health Medicine, or their respective authorised representative, shall be entitled to order termination of the event should the interests of the public safety so require. Without prejudice to the foregoing, any major default of these licensing conditions shall entitle the above named persons to order termination of the event. In this connection "termination" may include a temporary suspension of whatever period the foregoing Officers may reasonably determine. Any such actions should be taken only following consultation with all agencies represented in the Joint Operations Centre, including the Event Manager, before ordering such action.

7 COMMUNICATIONS

7.1 The Licence Holder shall provide a public address system which shall:

- (i) be capable of broadcasting information in the event of an emergency.
- (ii) be capable of overriding any other system within the site, including live entertainment equipment.
- (iii) be clearly audible throughout the arena (loudhailers will be used to cover the campsite).
- (iv) be controlled from a central position approved by the Licensing Authority and Emergency Services. Access to the central position will be available at all times to the Licensing Authority and Emergency Services.
- (v) have a power supply which will ensure continuous operation of the system in the event of the failure of the main electricity supply.
- (vi) prior to the admission of the public on to the site all systems used for broadcasting information in the event of such an emergency shall be tested. Records of such tests shall be made available to Scottish Fire and Rescue for verification.
- 7.2 The Licence Holder will provide public telephones on the site.

Car Parks Inspection Meeting Times:

Wednesday 9 July 2014	1200 hours

Campsite Inspection Meeting Times:

Wednesday 9 July 2014	1700 hours
Thursday 10 July 2014 Note: this includes Sunset Strip as part of the campsite	1100 hours
Friday 11 July 2014 Note: this includes Sunset Strip as part of the campsite	0800 hours

Arena Inspection Meeting Times:

Thursday 10 July 2014	1700 hours
Friday 11 July 2014	1300 hours (rest of main Arena)
Saturday 12 July 2014	0900 hours
Sunday 13 July 2014	0900 hours

(i) Parking Areas may be open as follows

From 0800 hours on Thursday 10 July 2014 until 1600 hours on Monday 14 July 2014

(ii) The Camping Area may be open as follows:

From 1200 hours on Thursday 10 July 2014 (30,000 ticketholders only)

From 0800 hours on Friday 11 July 2014 to 1600 hours on Monday 14 July 2014 (70,000 ticketholders only)

(iii) The Arena may open to the public as follows:

Friday 11 July 2014	Between 1500 and 0100 hours
Saturday 12 July 2014	Between 1000 hours and 0100 hours
Sunday 13 July 2014	Between 1000 hours and 2400 hours

Note: the Sunset Strip area forms part of the campsite when the main Arena is not in operation.

(iv) Campsite Entertainment may operate as follows:

Thursday 10 July 2014	From 1400 hours to midnight		
Friday 11 July 2014	From 1000 hours to 0200 hours on Saturday 12 July 2014		
Saturday 12 July 2014	From 1000 hours to 0200 hours on Sunday 13 July 2014		
Sunday 13 July 2014	From 1000 hours to 0200 hours on Monday 14 July 2014		

Arrangements for this entertainment shall be to the satisfaction of the Executive Director (Environment).

(v) Musical Entertainment in the Arena may operate as follows:

Friday 11 July 2014	Between 1500 hours and ending by 2400 hours (designated areas only)*		
Saturday 12 July 2014	Between 1000 hours and ending by 0100 hours		
Sunday 13 July 2014	Between 1000 hours and ending by 2400 hours		

^{*}Designated Areas to be agreed in advance of the event, with the Licensing Authority

All in accordance with the Public Entertainment Licence issued by the Licensing Authority.

Appendix 3

T IN THE PARK 2014 THURSDAY 10 JULY – MONDAY 14 JULY TICKET SALES

	Thursday 10 July	Friday 11 July	Saturday 12 July	Sunday 13 July
Camping Tickets Only	30,000	70,000	70,000	70,000
Fri/Sat/Sun Day Tickets Only	N/A	15,000	15,000	15,000
Totals	30,000	85,000	85,000	85,000