

SCRUTINY PANEL 21 OCTOBER 2014

Present :-

Councillor Beverly Davies (Chairman)
Councillors Mark Cable, Dominic Graham, Jo Hayes,
Marcus Harrington, Mike Hogg, Peter Higgins, Sue
Lissimore and Chris Pearson.

Also Present:-

Councillor Tim Young

18. Minutes

The minutes of the meeting held on 16 September 2014 were confirmed as a correct record.

19. Work Programme 2014/15

Councillor Davies introduced the Scrutiny Panel Work Programme for 14/15, and highlighted the addition of the Colchester Hospital Foundation Trust on the Work Programme for the meeting on 2 December.

Councillor Davies also highlighted that as the agenda for that meeting is quite significant, the item on the results of the Colchester Borough Homes Homelessness Peer Review should be moved to the meeting in January.

Councillor Lissimore and Councillor Davies reiterated the Panels request to look at the Garrison Gym issue, as it was not possible to include it in the October meeting's agenda.

Pam Donnelly stated that the concerns from the Scrutiny Panel about explaining the delays in the forward work programme had been passed onto the Assistant Chief Executive to feed back to officers.

RESOLVED that:

- 1) The report on the results of the Colchester Borough Homes Homelessness Peer Review be moved to the January meeting.
- 2) The work programme 2014/15 be noted.

20. Review of Events of Castle Park

Councillor Beverly Davies (in respect of being a member of King Coel's Kittens Group) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7 (5).

Councillor Mike Hogg (in respect of his spouse being a member of King Coel's Kittens Group) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7 (5).

Cassandra Clements, Group Manager, Community Services introduced the report on the Review of Events of Castle Park. The report asked the Scrutiny Panel to consider and comment on the Events Policies for Parks and Open Spaces, and the General Conditions of Hire used by the Borough Council. The report also contained detailed information on the cancellation of the 'I am Music' festival.

With regard to the withdrawal of the venue hire for the 'I am Music' Festival, Cassandra Clements stated that the issue was first raised at the Colchester Safety Advisory Group (SAG) by a member of the Castle Park team due to the size of the event.

The SAG doesn't hold any legal powers but operates to review event applications and advise on public safety to help events take place. Its membership consists of representatives from the following:

- Essex Police
- Essex Fire and Rescue
- Essex County Council
- East of England Ambulance Service
- Licensing
- Health and Safety
- Events and Zone teams from Colchester Borough Council

In addition to the SAG, Essex Police were highly involved after Local Policing Teams raised concerns about the size of the event and the subsequent risk to the attendees and the greater community. This issue was elevated to the Tactical Policing Team who held a meeting with the 'I am Music' Group.

Cassandra Clements stated that the expectation was that the festival would go ahead throughout the process, as the SAG, including the Police, had provided guidance above and beyond what normally occurred.

A collective decision on the cancellation of the event took place on 24 July after significant intelligence was received by Essex Police and the Borough Council. The reasons behind the cancellation were provided in a letter to the organisers on 29 July 2014, which focused on the risks associated with the event, and issues around the setting up of the event.

This has been the only occasion where an event has been cancelled at Castle Park, and many other events take place successfully throughout the year. There is also an experienced team of events management staff, who help to ensure events run correctly.

As part of the Appendix the Events Policy for Parks and Open Spaces, as well as the General Conditions for Hire of Castle Park is included for suggestions from Councillors.

The following issues were raised by Councillors:

- Councillor Lissimore - How was the message conveyed to the organisers and to the public about the cancellation of the festival?

- Councillor Harrington - Suggested that there could be further time constraints placed into the contracts for hire, as a schedule of compliance.
- Councillor Higgins - Asked for background information about the 'I am Music' Community Group, and the Council's event management team. Was there difficulty with predicting the size of the event? Suggested the use of a 90 day check sheet to provide deadlines to the organisations.
- Councillor Davies - Are there background checks undertaken on the companies that wish to hire the venue, such as using Companies House and the Charity Commission?
- Councillor Graham - Concerned around the timing of the cancellation event, as Public Liability Insurance is required 8 weeks prior to the event, and confirmation of valid insurance had not been secured as of 28 days before the festival was scheduled.
- Councillor Pearson - Would it be possible to provide a timeline to groups that are hiring the venues?
- Councillor Cable - What was the impact on the risk level after the allocation of free tickets to Silk Road?
- Councillor Hayes - Questioned whether officers were aware of the finances of 'I am Music' Group, and whether the organisers could be referred to Essex Trading Standards, as young people have been left out of pocket.
- Councillor Hogg - Questioned whether the free tickets allocated to Silk Road changed the perception of the event?
- Councillor Graham - As the Police bill was not paid by 21 July, why was the event not cancelled at that opportunity?
- Councillor Higgins - Were the organisers told of the capacity of the Castle Park venue? How competent were the event organisers?
- Councillor Harrington - What money was received by the Council for the event?
- Councillor Graham - What is the payment structure for this event?
- Councillor Lissimore - Is the Council thinking of taking legal action against the 'I am Music' Group?
- Councillor Pearson - Is the 'I am Music' group still in existence?
- Councillor Higgins - Is the estimated total bill included in the agreement to hold the event?
- Councillor Davies - Asked for clarification on the payment paid 28 days in advance, when the full invoice is sent after the event.

Cassandra Clements and Inspector Gerry Parker provided the following responses:

- Once the additional information had been received a meeting was held on the 24th of July with three members of the 'I am Music' Community Group and their Safety advisor. The meeting outlined the reasons why the event had been cancelled, and gave the 'I am Music' Group an opportunity to represent themselves. The Head of Service at Colchester Borough Council was also made aware of the decision. With regard to communication with the public, a plan was put in place that the 'I am Music' Group were required to implement. This included providing information about the cancellation of the event to the press, amending the event website, and e-mailing all

who had purchased tickets. It is unclear whether the e-mail to all attendees was completed. Policing and resources were put in place in the event that anyone turned up to the cancelled festival.

- In response to Councillor Higgins the 'I am Music' group consists of approximately 20 people. The Group has aspirations to engage with the community, and has held a number of events at LeisureWorld and at Essex University. With regard to the Events Team at Colchester Borough Council, there is an officer responsible for events in Castle Park with a manager in support; Charter Hall does have a dedicated events manager. As for the numbers attending the event, it is difficult to predict precisely as a number of ticket sales occur on the day of the event. It was however difficult to obtain the full details of attendees from the organisers in this instance as a number of tickets had been given to community groups. Cassandra Clements stated that she had noted the suggestion of a schedule of compliance as a condition of hire from Cllr Harrington and Higgins.
- Background checks are not undertaken on the companies that hire Castle Park, but Public Liability Insurance is required in order to proceed with the booking.
- There were issues with receiving the correct information from the group. The assistance provided by the officers to get the event to take place was because the event was of a different nature to those events that usually take place. A judgement was made that the issues presented could be overcome throughout the advice provided.
- Timings are given to groups wishing to hire venues, stating what is required by certain dates; however these are not part of the hire agreement. The suggestion of including timings as part of the hire agreement will be looked at as part of the review of the conditions. The events team is conscious that they don't want a negative impact on the community groups that wish to hire the Park, as stringent deadlines may prohibit them from hiring the park.
- Inspector Gerry Parker responded to Councillor Cable stating that the level of risk increased closer to the event. The festival was originally intended to be a community event, and only four weeks to the event taking place the demographic changed quite significantly. This was due to the distribution of free tickets to Silk Road.
- It is not possible to comment on the finances of the organisation, as Officers only know the situation at the time of the cancellation; however both the security and bands playing at the event had not been paid. With regard to Trading Standards this would be down to the individual.
- The issue of the inclusion of Silk Road changed the event as there were 3,000 tickets given away for free. This made it much more difficult for Essex Police to assess the potential level of crime and disorder, or provide advice and mitigate the potential situation.
- In response to Councillor Graham, the Police could not force the group to pay the bill, and nor could they stop the event. The group were informed that they would be invoiced retrospectively if the Police were needed at the event. They were at that meeting given a timescale of the next day to pay the invoice, which they did.
- The organisers were informed that the capacity of the park was 9,999, with staffing, security and the acts for the event taking this down to 8,500. The organisation was

asked on a number of occasions the total number of tickets sold, but this couldn't be pinned down with the number of tickets provided free to community groups and Silk Road. The Safety Advisor employed by the organisation was very competent and experienced, providing excellent support to the group. However the 'I am Music' Group had not had experience in holding events of this size.

- No money was received from the Group by the Council for the event.
- The payment for the event was set to be received as result of the ticket sales collected.
- Feedback from the Scrutiny Panel will be welcomed with regard to whether the Council goes ahead to pursue legal action. The bill was just over £11,000 for the Council.
- Councillor Graham stated that the organisation is still listed through companies house as in existence.
- The hire agreement includes what the bill may be, but the invoice amount will be taken after the event as there may be a difference on the staffing levels and associated costs. At the time the groups are made aware that this will be the case.
- A payment 28 days prior to the event is dependent on the organisation running it. For charitable organisations payment is due after the event, as the income comes from the ticket sales achieved. For commercial events deposits in advance are required.

RESOLVED that:

- 1) The Council seeks advice from Legal Services regarding whether taking legal actions against the 'I am Music' Group is advisable.
- 2) Timescales and deadlines form part of the Conditions of Hire and are included in the Events Policy so that organisations are aware of their obligations.
- 3) A report containing the comments and suggestions from the Scrutiny Panel be submitted to the Head of Service, and a response be given to the Scrutiny Panel in due course.