

**REGENERATION, CULTURE AND ENVIRONMENT
OVERVIEW AND SCRUTINY COMMITTEE**

28 MARCH 2018

**MEMBER'S ITEM: BAN ON ALCOHOL BEING BROUGHT
INTO THE ROCHESTER CASTLE CONCERTS**

Report from: Richard Hicks, Director of Regeneration, Culture
Environment and Transformation and Deputy Chief
Executive

Author: Ellen Wright, Democratic Services Officer

Summary

This report sets out a response to an issue, raised by Councillor Patterson, concerning the ban on alcohol being brought into the Rochester Castle Concerts.

1. Budget and Policy Framework

1.1 Under Medway Constitution Overview and Scrutiny rules (Chapter 4, Part 5, Paragraph 9.1) Councillor Patterson has requested that an item on this matter is included on the agenda for this meeting.

2. The Issue

2.1. Councillor Patterson has requested that an item be placed on the agenda and has set up an e-petition on the subject of the ban on alcohol being brought into the Rochester Castle Concerts. The basis of the item and the e - petition is as follows:

2.2 *'We the undersigned petition the Council to overturn the ban on alcoholic drinks being brought into this summer's pop concerts at Rochester Castle Gardens.*

Justification:

The ban, which organisers have argued is on safety grounds, is inconsistent with the policy they have adopted for the classical Proms.

At those concerts not only is alcohol permitted, but sparkling wines are allowed in glass bottles.

Picnics are still permitted on all nights and alcohol can still be purchased from licensed vendors inside the venue.

This being the case, what is the evidential basis for Prom-goers being trusted to bring their own alcohol to the concert but not pop music fans?'

3 Director's comments

3.1 The Director of Regeneration, Culture, Environment and Transformation and Deputy Chief Executive has provided the following response:

3.2 The Castle Concerts are a fun, family event with thousands of people filling the grounds to listen to world-wide known entertainers. This year we will not be allowing any drink, except plastic sealed bottles of water, into the castle grounds to ensure we have another safe and enjoyable concerts. This follows live music event best practice, which other large and outdoor venues across the UK adhere to.

To embrace the celebratory nature of the proms and because the evening is a picnic-style event and not a live music concert, drinks will be allowed in the castle. However, for safety reasons, no glass will be allowed into the castle grounds.

A number of stalls will be offering a range of soft and alcoholic drinks throughout all five Castle Concerts events.

4 Risk Management

4.1 Should the decision to ban the public from bringing in alcohol to the Castle Concerts be overturned, this could pose a risk of liability for the Council against advice received from the Police, first aid providers and Industry Advisors and the accepted good practice at all other music events across the Country.

It is accepted practice that alcohol is permitted to be brought into the Prom Concerts as these events are officially recognised as 'picnic concerts'.

5. Financial and Legal Implications

5.1 There are no financial implications arising from this report.

5.2 The Licensing Act 2003 & the Public Sector Equality Duty (PSED – Equality Act 2010)

5.3 The Licensing Act 2003 regulates the sale and consumption of alcohol. There are 2 parts to the legislation, the Premises Licence, which prescribes the times and conditions under which alcohol can be sold, and a Personal

Licence which allows individuals to sell alcohol or authorise its sale by others. Enforcing the law on the purchase of alcohol on concert premises is manageable as the vendor(s) are licenced and can verify that the person making the purchase is above the age limit. Allowing members of the general public to attend concerts with their own alcoholic beverages has the potential to facilitate a number of risks:

- i. The sale of alcohol by unlicensed individuals. The law considers a sale to have taken place between individuals even if money did not change hands. i.e. given for free or in exchange for a benefit or favour.
- ii. The inability of Licencees / Police to enforce age restrictions on alcohol consumption and control its attendant antisocial behaviours. Legislation does allow for the consumption of alcohol by those under 18 only in the following circumstances:
 1. The individual is aged 5 or older, and is at home or other private premises.
 2. The individual is aged 16 or 17 and the alcohol, which can only be beer, wine or cider, is consumed with a table meal.
- iii. In the absence of enhanced security measures, the risk of terror related injury to members of the public through the concealment of liquid explosives or other dangerous substances in non-transparent alcoholic beverage containers.

5.4 The PSED requires public sector organisations to have due regard to three key areas.

- the need to eliminate unlawful discrimination
- to advance equality between persons who share relevant protected characteristics
- to foster good relations across all of the protected characteristics.

5.5 The inconsistency in the treatment of prom goers and pop music fans raises issues of potential discrimination against members of the public that might belong to a protected class. Officers may wish to consider a consistent approach to all music events to avoid the potential to discriminate against attendees.

6. Recommendations

6.1 The Committee is requested to consider the Member's Item and if it wishes to make any recommendations to Officers.

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Appendices

None

Background Papers - None