

Taunton Deane Borough Council

Minutes of the Licensing Sub-Committee Hearing to consider the Fitness and Propriety of a Hackney Carriage/Private Hire Licenced Driver held on Friday 2 June 2017 at 10.30am in the John Meikle Room at The Deane House, Belvedere Road, Taunton, TA1 1HE.

Present: Councillor Mrs Hill (Chairman)
Councillors Hunt and Gage

Officers: Fern Avis (Licensing Officer), John Rendell (Licensing Manager), Lesley Dolan (SHAPE Legal Services) and Clare Rendell (Democratic Service Officer).

Applicant: Taxi Driver A

Other: Employer of Taxi Driver A

(The meeting commenced at 10.30am)

The Chairman introduced herself and her fellow Sub-Committee Members and officers then explained their roles. As well as acknowledging the documents she explained the procedure to be followed during this meeting of the Sub-Committee.

The Licensing Officer introduced her previously circulated report. Members were requested to consider the **Fitness and Propriety** of a Hackney Carriage/Private Hire Licensed Driver, **Taxi Driver A**.

In 2013, 2014 and 2017, Taxi Driver A had been found guilty of four speeding offences and had received two fines and his DVLA driving licence was endorsed with a total of fourteen penalty points. Due to this offence, the Licensing Manager had issued Taxi Driver A with a verbal warning and then subsequently had invited him to attend an interview. The outcome of the interview was that a hearing was required to determine whether or not Taxi Driver A should keep his licence.

Further details of events were given during the Licensing Officer's report.

Taxi Driver A presented his case to the Sub-Committee.

During the proceedings various questions were asked of Driver A by Members of the Sub-Committee, the Council's Legal Representative and the Licensing Officer. Driver A was also given the opportunity to ask questions.

Closing Statements

The Licensing Officer made a brief closing statement to the Members of the Sub-Committee.

The Sub-Committee Members retired at 11.00am.

The Sub-Committee Members returned at 11.45am.

The Sub-Committee Decision

The Legal Representative of the Sub-Committee read out the following decision:-

“This was the decision of the Licensing Sub-Committee held at The Deane House on 2 June 2017.

To consider the fitness and propriety of Taxi Driver A, a licensed Hackney Carriage/Private Hire Driver with this Authority.

The Sub-Committee had reached its decision after representations from the Licensing Department and Taxi Driver A were heard.

The Sub-Committee had taken all matters into consideration, including Taxi Driver A's home life and considered him to be a fit and proper person to hold a Hackney Carriage/Private Hire Licence.

The decision was therefore for Taxi Driver A to continue to be a licensed Hackney Carriage/Private Hire Driver. The following conditions were added to the decision:-

- For the next five years, Taxi Driver A would be required to reapply for his licence on an annual basis.
- Within the next month Taxi Driver A must have signed up for a speed awareness course and provide the Licensing Department with evidence of attendance.
- Taxi Driver A was advised that if he received any further points on his driving licence within the next three years, he would have his Hackney Carriage/Private Hire Licence revoked.

That was the decision of this Licensing Sub-Committee.”

There was a right of appeal against this decision. Any appeal must be lodged with the Magistrates' Court within 21 days following notification of the decision.

The Chairman declared the meeting closed.

(The meeting closed at 11.55am)

Taunton Deane Borough Council

Minutes of the Licensing Sub-Committee Hearing for a Grant of the Premises Licence for Wellesley Park School (Welliestock), held on 29 June 2017 at 11.45am in Flook House, Belvedere Road, Taunton, TA1 1HE.

Present: Councillor James (Chairman)
Councillors Mrs Hill and Mrs Lees

Officers: Leigh-Ann Fumagalli (Licensing Officer), Fern Avis (Licensing Officer), Alex Kershaw-Moore (SHAPE Legal Services) and Clare Rendell (Democratic Services Officer).

Applicant: Mr Huw Weston (Applicant) and Barry James (Event Safety Officer).

Interested Parties: Mark Steer (appointed spokesman for the residents)

Other: Nicola Cooper (Avon and Somerset Constabulary Licensing Officer) and Steve Hill (Police Community Support Officer (PCSO)).

(The meeting commenced at 11.45am)

The Chairman introduced himself and his fellow Sub-Committee Members and officers then explained their roles. As well as acknowledging the documents he explained the procedure to be followed during this meeting of the Sub-Committee.

The Licensing Officer introduced her previously circulated report. An application had been received from **Mr Huw Weston** for a Premises Licence to be granted for **Wellesley Park School, Homefield, Wellington**.

The Applicant was seeking authorisation for an event known as 'Welliestock' to be held at the school on a yearly basis. The event had been held at the school for the past two years and had used a Temporary Event Notice (TEN) application to do so. However, the event had become so popular, a Premises Licence had been applied for. Upon receipt of the application, the Licensing Department had duly notified Environmental Health and Avon and Somerset Constabulary. Following the notification, objection notices had been received from Avon and Somerset Constabulary and other Interested Parties.

Detailed in the Officer's report were the four licensing objectives. The Sub-Committee was reminded that the Licensing Policy required the Licensing Authority to carry out its various functions to promote these objectives. These were:-

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

The objectives would be paramount considerations when determining a course of action in relation to the Licensing Authority's licensing functions. Each objective would be given equal importance.

The Licensing Officer informed the Sub-Committee that a letter had been sent out to all Interested Parties which offered the opportunity to mediate and to establish whether any changes could be made to the application in order to negate their objections. At the time the

report was written, no Interested Party had wished to mediate or felt that any changes to the application would help to address their concerns.

Since the unsuccessful mediation, a TEN application had been received to enable the event to take place if the licence was not granted by the Sub-Committee.

Complaint letters had been received for the previous year's event and were investigated by the Environmental Health Officer, who had advised that they did not submit a representation for this application because it was a one off event and did not constitute a statutory noise nuisance where they would have had grounds to object. Also they deemed the measures that had been taken by the Applicant to minimise the nuisance were sufficient.

The Legal Representative for the Sub-Committee gave information about a complaint letter that had been included in an appendix in the report. This letter was for another event and was not relevant to the application.

The following question was raised by the Sub-Committee of the Licensing Officer's report (Responses are shown in italics):-

- Members queried why the hearing had gone ahead when the Applicant had already applied for, and had granted, a TEN, so even if the Premises Licence was declined, the event would still go ahead.
The Applicant wanted to have a Premises Licence granted rather than a TEN because this allowed greater control of the event and for continued guidance from the Licensing Department and other Responsible Parties, which included the Police and Fire Service.

At this point in the hearing, the Chairman of the Sub-Committee requested that the local PCSO, Steve Hill, presented details from the Police Log Book for last year's event:-

- He stated that on the system there was only one log from the date the 2016 Welliestock took place. This was by a resident who had reported anti-social behaviour of some people who had attended the festival. The Police had attended the scene and the issues had been dealt with.
- The Interested Parties disagreed with this and stated they had called the Police on more than one occasion but their calls had not been logged.
- The PCSO responded and confirmed that the Police had attended the scene and saw that security staff were present and had moved people along. This year Police would be present on site to work alongside the security staff.
- The Sub-Committee Members showed concern that some of the calls had not been logged.

The following comments and points were presented by the Interested Parties in relation to their written objections:-

- Concern was raised that the noise levels had increased year on year. There was not adequate soundproofing at the premises.
- The Interested Parties queried how many people actually attended the festival? They believed that some people had managed to gain entry without tickets. They estimated that approximately 2,000 people had attended which was too many for the site to contain.
- The report stated that more money had been spent on security this year but the residents were concerned that the security staff would spend too much time on bag searches and not enough time spent with the crowds.
- Concern was raised that there was not a representative from Wellesley Park School or Council present at the event.

- Concern was raised about the camping that had been allowed on site and the noise created by the generator used.
- Toilets had been provided on site but concern was raised that these were not used and that some people had urinated in the maze in the school gardens and in local residents' gardens.
- The nearby streets had been full with cars parked all the way along the road, which had blocked residents' driveways and was considered dangerous.
- Concern was raised that the event organisers had denied that a fight had taken place on site in 2016 and that the newspapers seemed to sensationalise the event.
- As the event was held within the grounds of a primary school and was advertised as a family event, the Interested Parties queried why alcohol was allowed to be sold.
- The Interested Parties supported the idea behind the event and that local talent should be promoted, but did not believe it should be held within a built up area. The noise and inconvenience was not just for one day, it carried on for weeks whilst the site was prepared for the event and whilst the equipment was dismantled.

The Legal Representative reminded the Interested Parties of the licensing objectives and that the Sub-Committee could only consider factors that affected the objectives directly.

The following question was raised by the Legal Representative for the Sub-Committee of the Interested Parties (Responses are shown in italics):-

- Where had the Interested Parties gathered their information because they had not attended the event themselves?
They had spoken with people who had attended.

The following statements were raised by the Applicant of the Interested Parties (Responses are shown in italics):-

- The Applicant confirmed that the Head Teacher of Wellesley Park School had attended the event. He had worked closely with the school staff to ensure measures were put in place so the event could run smoothly.
- The Applicant advised that they had fenced off the maze and the amphitheatre in the garden so that people could not gain access to those areas.
- He queried the length of time stated that the music had been on for. This had been exaggerated because the sound checks had not started until after 11.00am.
- He also admitted that the parking situation had been poor at the previous event and this was due to the security staff. This would be rectified this year.

The following comments and points were presented by the Applicant in relation to their written application:-

- Over the past six months, the Applicant had worked closely with the Police, Fire Service, Licensing and Environmental Health Officers to ensure the festival was safe and well managed.
- He had checked what the site capacity could be and the limit was 2,934 people. He only wanted to allow 1,500 on site.
- The Applicant had attended a Safety Advisory Group to make sure he complied with the safety guidance.
- Since the mediation meeting, he had removed four acts to help alleviate some of the sound issues. There would be eight acoustic acts and nine bands. There would be sound checks carried out throughout the duration of the event.

- The Applicant had been disappointed by the security staff at last year's event. Because of this, he had hired a new security firm who had vast experience in safety management at large events.
- He had adopted the 'Challenge 25' Policy and had introduced a coloured wristband system. This meant that if a person could not provide any proof of ID, they would get an under 18 wristband so they would not be able to purchase alcohol.
- The Applicant had set up Welliestock to showcase local talent. He taught music at a local school and thought that this would be a good event to hold in the town.
- Wellesley School was a safe location. They had placed fences all the way around the perimeter.
- Due to the size of the event, it could not be held at the school for much longer and he had planned to move location for the 2018 Welliestock Festival.

The following questions and statements were raised by the Sub-Committee of the Applicant following presentation of their report: (Responses are shown in italics):-

- Members queried what security firm was used last year?
Castle Security.
- Due to the excessive noise reported at last year's event, would there be more sound checks carried out this year?
Yes, the sound would be monitored throughout the duration of the event. If the noise level was too high, the bands would be asked to turn the volume down.
- Members queried what would happen if someone under 18 was caught with alcohol on site.
They would be removed from the site. There was a zero tolerance policy.
- If a person did not have a wristband on, would they be challenged?
Yes, they would be questioned and removed if they could not provide proof of entry. There was also no re-admittance after 9.00pm.
- Members queried what would happen if people had jumped the fence.
They would be removed. Extra fences had been installed this year to add to the safety management and security.
- Would the amount of security staff be increased this year?
Yes. There would be 15 members of security staff this year.
- Members queried when the event had finished, would the security staff move off site to manage the crowd when they were leaving?
Yes, they would be stationed at different points along the exit route to help the crowd disperse.
- Parking along the neighbouring streets was a main concern for the residents. What parking measures were due to be put in place this year?
There would be Police cones placed along the neighbouring roads and a member of the security staff would be positioned at the end of Homefields to monitor this.
- Members queried would the staff have radio communication available?
Yes, all security staff and some of the event management staff would have radio communication.

The following question was asked by the Legal Representative for the Sub-Committee of the Applicant following presentation of their report: (Responses are shown in italics):-

- The Legal Representative queried whether there was a dispersal policy and if there was, she requested a written copy of the document.
Yes and the Applicant would send in a copy after the hearing had finished.

The following question and statement were made by the Interested Parties of the Applicant following presentation of their report: (Responses are shown in italics):-

- Concern was raised that this had been advertised as a family event but alcohol was on sale from 11.30am until 10.30pm. Why was this necessary?
This was not a children's event but a community one.

The Legal Representative reminded all parties about the licensing laws and objectives and what could be considered by the Sub-Committee when they made their decision.

Closing Statements

The Interested Parties made a brief closing statement to the Members of the Sub-Committee:-

- There were too many people on site and the location was not adequate for the event.
- There was no parking available on site, which led to dangerous on-street parking.
- The event was held at a primary school, therefore alcohol should not be permitted on site.
- More security staff were required.
- The noise level was too high for a residential area and lasted longer than one day which caused inconvenience for the residents who lived in the area.

The Applicant made a brief closing statement to the Members of the Sub-Committee:-

- The Applicant accepted that music festivals were noisy, but he had worked with all the different agencies to ensure that it was a good event that was well-managed and safe for all those that attended.

The Sub-Committee Members retired at 1.00pm.

The Sub-Committee Members returned at 2.45pm

The Sub-Committee Decision

The Legal Representative of the Sub-Committee read out the following decision:-

"This was the decision of the Licensing Sub-Committee held at Flook House on 29 June 2017.

An application had been received by Mr Huw Weston for a time-limited Premises Licence in respect of the School Field, Wellesley Park School, Homefield, Wellington TA21 9AJ.

The application was specified to be limited to 29 June to 2 July 2017 only and was for the provision of live music from 12.00pm to 11.00pm, recorded music from 7.00pm to 9.40pm and the sale of alcohol on the premises only from 11.30am to 10.15pm which was set out in the application. It also included for the premises to be open to the public during the permitted licence period from 11.00am to 11.30pm.

The Applicant had produced an Event Management Plan (EMP) stating that they were asking to hold a one day festival with two stages and two bars. The expected audience profile was predominantly families with young children, although this would change as the event moved into the evening. Similar festivals had been held at the premises in previous years under TENs without similar plans in place.

The Applicant stated that “the expected audience profiles did not lead to concerns regarding the behaviour of persons arriving at the site” and that most entrants were expected to arrive on foot. The EMP referred to anti-social and criminal behaviour of entrants. Security staff would be in place to “supervise the perimeter of the premises” and “should take all reasonable action to prevent disruption and disturbance to the surrounding community”.

Prior to the hearing, representations to the application were received from Avon and Somerset Constabulary, as a responsible authority and from several residents living in the vicinity of the premises. No other responsible authority has made a representation. As a result of those representations, the Police and the Licensing Authority had sought to mediate concerns. The Police had confirmed that following negotiations with the Applicant, a list of conditions had been agreed and if those conditions were adhered to, the Police had no further objection.

The local residents as Interested Parties had raised objections which related to public nuisance caused primarily by the noise of the music and crime and disorder which arose from anti-social behaviour of persons believed to have attended the premises late in the evening. Several Interested Parties referred to a similar festival held last year and provided details of fights, drunken disorder and anti-social behaviour that had resulted in both the Applicant and the Police being called. The residents said that the premises was not suitable as a festival venue due to it being located in the midst of a residential area and there was no need for alcohol to be served at such an event.

The Sub-Committee considered that it must carry out its functions with a view to promoting the four licensing objectives, set out in Section 4(2) of the 2003 Act. The Sub-Committee did not take into account representations which did not relate to one or more of the four licensing objectives, and it did not take into account any evidence which did not relate to this particular licensing application and the management of this particular premises. Notwithstanding that, the evidence supplied by representations which related to similar events held at the premises and organised by the Applicant were considered to be relevant as the application appeared to be requesting the same event to be run again.

The Sub-Committee was aware that the previous year’s events had been governed by a TEN and that such events could not be controlled through conditions in the same way that a Premises Licence could. It was aware that no EMP was in place for previous years’ events. The Sub-Committee noted, in particular, that no formal representation had been brought by the Police concerning incidents of crime and disorder from this event last year. Despite this, however, a PCSO had attended the hearing and reported their records of an incident which took place after a call to them at 10.43pm that evening. They had informed the Sub-Committee that, upon attending the area, they deemed that the security staff from the event had the matter under control and there was no need for further action. The PCSO also confirmed that, for this year’s event, a Police unit would be stationed in the area and regular monitoring should be conducted, which included, at the request of the Applicant, internally within the premises.

The Applicant had stated a desire to be advised and guided by both the Licensing Authority and all Responsible Authorities and referred to his meetings with the Police and Fire Safety Officer to agree a suitable set of conditions. All conditions proposed by the Police had been agreed by the Applicant. The Applicant had attended the Safety Advisory Group meeting to obtain guidance from the Licensing Authority. He had also agreed with the Interested Parties that the premises were becoming unsuitable for this event as it has grown. Therefore he had confirmed that he did not intend to run this event from the premises next year and asked only for a licence to cover the period applied for, which was 29 June to 2 July 2017.

The concerns of the Interested Parties were heard with sympathy from the Sub-Committee. The Sub-Committee was mindful that no representations concerning public nuisance had been

raised by the Environmental Health Officers and that complaints of excessive noise raised with the Environmental Health Team, when considered, led to no action being necessary. Similarly incidents of crime and disorder had not given rise to any action taken by the Police although the Police had confirmed an increased presence in the area for this year's event.

The Sub-Committee did understand the concerns of the residents about levels of noise from the event. However they had to balance that disturbance against the rights, under the Licensing Act, of the Premises Licence Holder to hold such events, the temporary nature of such disturbance (1 day in 12 months) and the measures put in place by the Applicant to mitigate the effects of such noise. The Applicant had highlighted a range of measures for this year's events and accepted that there were some issues with noise at previous events and explained his efforts to address those issues. He appeared to have listened to what had been said and acted upon it and this was commendable.

On the evidence before it the Sub-Committee had no reason to believe that the grant of this application would not promote the licensing objectives. In addition, the Sub-Committee was aware that, given the authorised TENs which were already in place, a refusal of the licence would not prevent the event from going ahead. The Sub-Committee considered that it was better to licence the event, with the controls available to it by the EMP and the licence conditions, than for it go ahead unregulated again.

The Sub-Committee was satisfied that the application for a licence, in the terms of the application, should be granted subject to the conditions set out in the Police's representations and the following conditions that the Sub-Committee believed were appropriate to impose. These were:-

- The Applicant should provide to the Licensing Authority a copy of its Dispersal Policy not later than 5.00pm on 30 June 2017 and the Premises Licence Holder and/or the Designated Premises Supervisor (DPS) should ensure that all relevant staff were aware of its terms and comply with it throughout the provision of licensed activities;
- The erection and dismantling of structures, which included stages, marquees, and associated equipment, should not take place within the hours of 11.00pm and 8.00am; and
- The DPS should be Kelly Durdan.

All parties were reminded that there were rights of appeal against this the Licensing Authority's decision pursuant to Section 181 of and Schedule 5 to the Licensing Act 2003. An appeal must be made to the Magistrates' Court and commenced within 21 days of notification of the Authority's decision.

All parties were reminded of the procedures contained within the Licensing Act 2003 which related to a review of the Premises Licence. This provision permitted nearby residents, businesses or responsible authorities to apply for a review of a Premises Licence where problems with crime and disorder, public safety, public nuisance or the protection of children from harm were occurring. The Sub-Committee respectfully reminded all parties that for any review to go ahead, evidence would need to be collected of incidents that had occurred and that undermined the licensing objectives.

That was the decision of this Licensing Sub-Committee."

The Chairman declared the meeting closed.

(The meeting closed at 3.00pm)