

## NORTHERN AREA LICENSING SUB COMMITTEE

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### **MINUTES OF THE NORTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 14 DECEMBER 2012 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER IN RESPECT OF AN REVIEW OF PREMISES LICENCE - WOMAD**

#### **Present:**

Cllr Trevor Carbin, Cllr Jonathon Seed and Cllr Ernie Clark

#### **Also Present:**

Paul Taylor (Senior Solicitor), Stuart Figini (Democratic Services Officer) and Kate Golledge (Public Protection Manager, North and West, Safer Communities and Licensing)

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## **6 Licensing Application**

The Chairman reminded those present that this was a re-convened meeting from 29 November 2012 and that the meeting would start with submissions from Wiltshire Police as the Applicant for this Review. The Chairman emphasised that the meeting was open to the public and asked Wiltshire Police and the License holder to concentrate their submissions on the differences of opinion between the two parties.

### **Application by Wiltshire Police for a Review of the Premises Licence in respect of WOMAD, Charlton Park Estate, Charlton Park, Malmesbury, Wiltshire SN16 9DG**

In accordance with the procedure detailed in the agenda, the Applicant and Responsible Authority (Wiltshire Police represented by Ms Sarah Le Fevre, Ms Gallimore, Superintendent Williams, Sean Cooper, Paul Laba and Chief Inspector Ewart were given the opportunity to address the Sub Committee.

Key points raised on behalf of the Applicant (Police) as the Responsible Authority by Ms Le Fevre, legal representative were:

- Made clear that Wiltshire Police did not want the Premises Licence revoked, but asked for an excellent working relationship between the Police and License holder to be re-established

- Referred to the conditions of the licence with suggestions for amendments from Wiltshire Police on 29 November 2012 which were further revised by the License holder on 11 December 2012
- Spoke about the framework for the decision by the Sub-Committee
- Confirmed that the Police were entitled to charge for Special Police Services, that an event organiser was not required to request the service from the Police and that the making of a request did not guarantee that the service would be provided – it only triggered a risk assessment by the Police.
- Referred to the premises licence, in particular the maximum occupancy on site at any one time, the contents of the Event Management Plan (EMP), certain conditions associated with the prevention of crime and disorder, and the summary of the application for review by the Police.
- Explained some of the Polices concerns which included a general reduction in Policing and associated costs, the increase in offences committed from allegations received and the level of planning undertaken for previous years' WOMAD festivals.
- Referred to a number of witness statements, including:
  - Mark Levitt, Force Resourcing Manager, Wiltshire Police – meetings of tactical groups held at the Festival, drug issues, and concern over the risks of drugs and alcohol abuse associated with the increase in the numbers of youngsters.
  - Joanne Schofield, Information Liaison Officer for the License holder about the auditing of bars on site and the records of incidents of refused service
- Referred to the different versions of the Event Management Plan – EMP
  - EMP Version 1 – Request received from the license holder for Special Police Services and the Polices response indicating the date by which a contract would have to be completed to provide sufficient time for the Police to prepare for the Festival. Police value the cost of the Special Police Service at £81,429.12
  - EMP Version 2 – A request from the license holder for a reduction in the Special Police Services suggested by the Police to a value of £50,000.
  - EMP further versions – A further request by the license holder for a reduction in the Special Police Services to a value of £26,496. A revised Police schedule cost of £53,159.20 as it was stated that the majority of Police officers were still required at the event.
  - EMP further versions - A further revised Police schedule cost of £34,945
  - EMP Version 5 – Observations of the Police on the EMP 5, in particular the types of tickets sold, drugs policy, age verification policy. The license holder comments and actions taken in response to the Police observations of EMP 5.

- EMP Version 6 – Police concerns regarding the security staff schedule and proposed a condition. The condition was amended by the Sub-Committee and forms part of condition (a) detailed below.
- Referred to the Police Licensing Officer report on WOMAD 2012:
  - Sergeant (Sgt) Scott Hargreaves explained his role at the Festival and spoke about the value of the drugs seized at the Festival in 2012.
  - Concerns about no 'Challenge 25' checks recorded at Solly's Bar and Molly's Bar.
  - The Police explained the reasons why incident records were requested from the license holder security co-ordinator
  - Chief Inspector Ewart spoke about his concerns in relation to bar supervision inside the arena, lack of staff security and issues relating to drugs
- Referred to correspondence between the Council and the license holder and the Great Western Ambulance Service and the license holder and the responses to both parties from the license holder.
- The Police explained their concerns about the quality of the security staff audits carried out by Joanne Schofield.
- Summed up the importance of the Police carrying out their role and suggested that the Sub-Committee agree to the conditions proposed by the Police.

The applicant (Police) responded to a number of questions from the Sub-Committee and the license holder. In particular the following main issues were raised:

- That there was no obligation on the license holder to ask for Special Police Services
- The extent of Policing needs at the Festival and the needs of residents generally in Wiltshire and the normal demand for Police services in the Festival area
- The Police's response should someone attending the Festival call 999
- The Police and the license holder were currently in 'live proceedings' in preparation for the 2013 Festival
- The existing licence and EMP contained a drugs policy and an underage drinking policy which the Police were satisfied with
- The Police did not make any representations on the EMP1 during the consultation period
- Concern that the timeframe of at least 28 days to negotiate Police services was not adhered to by the Police

- Questions relating to the conditions proposed by the Police and the license holder:
  - Condition 'a' - agreed
  - Condition 'b' - agreed
  - Condition 'c' - concern that the Police wish to see the EMP confirmed in writing by all responsible authorities and the Local Authority. Only the Local Authority could do this.
  - Condition 'e' - This condition was unnecessary as details about Special Police Services were contained in the EMP
  - Condition 'f' – Discussion about the legal duty to act reasonably
  - Condition 'g' – Discussion about the systems in place to calculate the maximum number of people on site during each day
  - Condition 'h' – Discussion about how long the event log should be kept for
  - Condition 'i' - concerned at the use of the word 'reasonable' by the Police

The Sub-Committee heard from three supporters of the WOMAD festival, with the main issues raised detailed below:

- Arthur Groom – Lives just across the border in Gloucestershire
  - Disputes Mr Levitt's statement of drug use and drunk behaviour at the Festival
  - Has not seen any alcohol related or drug use offences whilst attending the Festival
  - There had been an increase in teenagers at the Festival. Parents usually drop the teenagers at the site to camp overnight and then meet up again the following day
  - The license holder was engaged with local schools
  - Some of the conditions proposed for this Festival were not appropriate
- Lucy Norris – former resident of Malmesbury
  - WOMAD is a family friendly event
  - Demographic for the Festival is adults over 40 years old and teenagers
  - Its a small Festival up to a maximum of 40,000 compared to other events during the summer period for example Glastonbury and Reading
  - The atmosphere was/is amazing
  - Not seen any drug or alcohol issues
  - It is a safe environment
  - The atmosphere in 2012 was different because of the large number of Police attending
  - The public facilities were of a good standard
  - The local economy benefited from the Festival
- Dave Shepherd

- Spoke about the appropriateness of the number of Police in attendance
- There were not large numbers of young people attending the Festival in 2012
- The attendees were a group that didn't really need a lot of Policing
- Could not recall any public incidents
- There were plenty of stewards and security staff in attendance at the Festival

Key points raised by the license holder represented by (i) Simon Taylor, legal representative, (ii) Chris Smith, Director of WOMAD, (iii) Brian Schofield, Security Consultant, (iv) Joanne Schofield, Information Liaison Officer, (v) Kate Thomas, Stuart's Security

- Confirmed that the average numbers at the Festival each day were about 30,500.
- Spoke about the levels of reported crime and how the figures of actual crime on site were much lower.
- 41 incidents of crime over 4 days amongst 30,000 people and 13 incidents of alcohol problems for under 18's over the 4 days did not represent a significant problem
- The license holder questioned whether they were receiving value for money from the level of personnel provided by the Police especially when the cost of hiring 3.8 security personnel was the same as 1 Police officer
- Explained about the increase in security staff for the 2012 Festival and therefore a reduction in the numbers of Special Police Services required
- There were no drug offences or arrests on the Sunday or Monday and very few offences between Thursday and Saturday of the Festival
- It was felt that the Police misunderstood the Policy on Cannabis and any evictions should be carried out by the license holder and not the Police.
- The Council had expressed no concerns about the bars on site and commented on them being exemplary
- The license holder supported the Challenge 25 policy and assisted with its enforcement
- Joanne Schofield, Information Liaison Officer for the license holder confirmed that the auditing of bars on site was introduced for 2012 but not part of the EMP
- All the policies contained in EMP9 were implemented
- It was suggested by the license holder that the majority of concerns expressed at the meeting by the Police were unwarranted, but that the license holder was not complacent and continued to make improvements to the procedures and policies year on year
- Suggested that the conditions proposed by the license holder were reasonable and asked the Sub-Committee to adopt them

The license holder had the opportunity to respond to a number questions from the applicant (Police) and the Sub-Committee. In particular the following main issues were raised:

- Mrs Schofield explained that the schedule of security prepared for the Festival mentioned that all licensed bars should have SIA security staff in attendance and that she undertook voluntary spot checks over the weekend, however there were no spot checks on the Sunday
- Kate Thomas, Stuart's Security explained the process and action taken when drugs were either seized from an individual or given up voluntarily
- The health statistics referred to in Exhibit G of Chris Smith's witness statement were received from the Red Cross

The applicant (Police) then took the opportunity to sum up their main points detailed above. The license holder felt that they had fully expressed their opinions and raised appropriate issues adequately during their presentation and declined the opportunity to sum up.

The Sub-Committee then retired to consider the application and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

The Sub Committee considered all of the submissions made to it and the written representations together with the Licensing Act 2003, Statutory Guidance and Regulations and the Licensing Policy of the Council

**Resolved:**

**The Northern Area Licensing Sub-Committee agreed to amend the Premises Licence for WOMAD, Charlton Park Estate, Charlton Park, Malmesbury, Wiltshire SN16 9DG by the additional of the following conditions:**

- a. The Licence Holder shall submit an Event Management Plan for each event to all Responsible Authorities for consultation not later than the date falling six months prior to the commencement of the event. The Event Management Plan submitted shall include a full schedule of security, registered and non-registered, detailing the deployment role, location and span of hours to the satisfaction of Licensing Authority.
- b. The Licence Holder shall attend a meeting of the safety advisory group or any successor body (SAG) convened by the Licensing Authority (with a minimum of 14 days prior written notice) within two calendar months of the initial submission of the Event Management Plan.
- c. The Licence Holder shall ensure that the proposed final version of the Event Management Plan is sent to all Responsible Authorities and to the Licensing Authority within one calendar month of the SAG meeting. The

event shall not take place unless and until the Licensing Authority confirms in writing that it is satisfied with the Event Management Plan.

- d. No amendments shall be made to the Event Management Plan that, in the view of the Licensing Authority, impact upon any of the four licensing objectives later than two calendar months prior to the event, without the written consent of the Licensing Authority.
- e. The Licence Holder will assess the safety and security arrangements for each event and if the Licence Holder decides that it needs special police services under section 25(1) of the Police Act 1996, the Licence Holder will make a request for special police services to Wiltshire Police by the date falling 3 months prior to the commencement of the event. After the date falling 3 months prior to the commencement of each event, the Licence Holder may vary its request for special police services (which includes making a request for special police services if such a request has not been made by the date falling 3 months prior to the commencement of the event) if there needs to be a material change to the safety and security arrangements for the event that has been notified (together with the reason for the change) to Wiltshire Police.
- f. To replace existing condition:
  - a. A drugs policy shall form part of the Event Management Plan and must include detailed procedures to the satisfaction of the Licensing Authority in consultation with Wiltshire Police. The policy shall include –
    - A prevention plan
    - Search plan
    - Seizure and security plan
    - Amnesty plan
    - Recording system
    - Entry/re-entry procedure
- g. The Licence Holder shall ensure that an effective system is in place whereby the maximum number of persons present at the event can be calculated to a reasonable degree of accuracy for each day of the event. This information is to be made available on reasonable notice to the Licensing Authority and relevant Responsible Authorities both during the event and thereafter.
- h. The Licence Holder shall maintain an event log recording all incidents during the event, the record will include:
  - Dates and times of the incident
  - Details of the person/s who dealt with the incident
  - Description of the incident and details of those involved
  - Any action taken as a result of the incident

Subject to Data Protection and confidentiality obligations, incident records will be made available to an authorised officer of Wiltshire Police and or Wiltshire Council on request both during the event and thereafter.

## **Reasons**

This sub-Committee has noted the time and effort devoted to this application and as a result is imposing conditions to enable the licence holder to adequately promote the four licensing objectives.

The Sub-Committee wishes to make it clear that Wiltshire Council are the Licensing Authority and are imposing these conditions in order to retain authority over the licence formulation process.

The Sub-Committee felt it was appropriate to impose conditions 'a-e' above to ensure the proper planning of the event.

The Sub-Committee believe that condition 'f' is necessary to address the concerns over drug use raised by Wiltshire Police.

Condition 'f' is replacing existing condition 'a' on the licence.

Condition 'g' is imposed to ensure that appropriate action can be taken in the event of a major incident or emergency.

Condition 'h' is imposed in the interests of Crime Prevention and detection.

In reaching its decision, the Sub-committee took into account the evidence, both oral and written, presented by the parties . They also had regard to the relevant provisions of the Guidance issued under s.182 of the Licensing Act 2003 and the Council's Statement of Licensing policy.

## **Right to Appeal**

All parties have the right to appeal to the Magistrates Court within 21 days of receipt of this decision. The decision does not come into effect until the appeal period has elapsed or, if an appeal is made, until that appeal has been finally disposed of.

The meeting was adjourned at the following times:

11.50am – 12:00 noon

1:30pm – 2.05pm

3:15pm – 4:20pm



(Duration of meeting: 9.30 am - 4.25 pm)

The Officer who has produced these minutes is Stuart Figini, Democratic Services Officer, 01225 718376, email: [stuart.figini@wiltshire.gov.uk](mailto:stuart.figini@wiltshire.gov.uk)

Press enquiries to Communications, direct line (01225) 713114/713115