

Somerset Council Statement of Licensing Policy 2023 Consultations

| Reference | Consultee | Comment | Officer Recommendation | Licensing Board Decision |
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| 1 | Parish Council | <ol style="list-style-type: none"> 1. Town and Parish Councils should be listed as consultees in Appendices D and in the list of Responsible Authorities 2. Further there should be a responsibility to inform residents within 200m of an application to ensure that they have an opportunity to make representations and this should be added to the consultee list in Appendix D 3. The area AONB's and CPRE should also be included on the consultee list as representing bodies. 4. 1.5.3 Please clarify what the 'greater support' offered by the licensing authority to communities is. 5. We have been led to understand that the licensing authority is against conditions that place a burden on the licensing team which would seem to contradict the spirit of this paragraph. It is felt by the Parish Council that conditions are the way forward to promote licensing objectives and the principle of this paragraph is supported. 6. 1.5.6 - 1.5.7 There should be clarity in the approach of the licensing authority to these contradicting statements. 7. 2.1.1 Applicants should be required to seek the views of responsible authorities/local communities and it should be clear how this is to be done to ensure robust consultation. (For instance it is felt that a notice outside a property is not enough particularly where there is likely to be little footfall). 8. 2.6.5 How will the licensing authority monitor and enforce noise conditions and what basis will be used for measuring noise in imposing conditions? 9. 3.7.1 'other persons' may make representations. However the administration procedure is not transparent or clear. The public notice does not invite electronic representations although applications may be electronic. The notice does not provide a link to the application documents for detail of the application although this documentation is an important part of the process. For transparency these documents should be available electronically on the Council website and should not require access to physical copies for partners or other persons. 10. 3.8 The Parish Council understands that the licensing authority could not enforce conditions and would expect other relevant authorities to carry out the enforcement. Are the licensing authority able to put conditions in place that they would enforce? 11. 3.9.5 Will enforcement officers be employed to carry out these visits? It would seem that this requirement could only be carried out if an out of hours officer is | <ol style="list-style-type: none"> 1. Recommend no change as the Consultees and RA's are set by legislation, namely the Licensing Act 2003. We do notify Ward Members and Parish Clerks of any applications for the grant or variation of a premises licence in their area. 2. Recommend no change as the Consultees and RA's are set by legislation, namely the Licensing Act 2003. We do notify Ward Members and Parish Clerks of any applications for the grant or variation of a premises licence in their area. 3. Recommend no change, please see above but it would be helpful for Parish Clerks to pass on the notification if they are situated in such an area. 4. Anti-Social Behaviour, Crime and Policing Act 2014 give greater powers to the Police to close premises. 5. This is untrue, conditions need to be tailored to an individual licence to promote the Licensing Objectives. 6. Recommend no change as each application needs to be considered on its own merits. 7. Recommend no change as there is no legal requirement to do this so the policy advises that it may be useful to do so. The advertising of the application, as already stated, is set by statute. 8. Any complaints received will be assessed and appropriate action taken. This may involve the use of monitoring equipment and could lead to a review of the premises licence. 9. This is something we are working towards, updating the website, and aligning our procedures. 10. The Licensing Authority does enforce conditions and has prosecuted for breach of conditions. | |

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| | | <p>employed and would be an undue burden on officers who work 9-5, part time or work from home.</p> <p>12. 4 Administrative procedures require the advertising of applications - but displaying them at locations that are unlikely to be visible to other residents such as those with little footfall by the general public; or in newspapers with declining readership are unlikely to meet the requirements or spirit of the regulations. Requiring that Town and Parish Councils are notified would form a more direct link to residents as these bodies are elected representatives. Offering a subscription service such as the planning online subscription service offered by the Sedgemoor District which is now part of Somerset Council would allow groups and residents to subscribe to receive new notices or variations for specific Parishes, the system would not create an undue burden for officers and as the software is already owned by Somerset Council it should not place a financial burden on the department. This would create a robust and transparent administrative procedure to meet the fundamental principles of the policy</p> <p>13. 4.0.3 Clarity on variations is sought – is there a control on the cumulative effect of minor variations to a full variation on a licence.</p> <p>14. 4.4 The minimum time of 5 days notice does not seem practical for consultation unless this must be offered due to the 2003 Act.</p> <p>15. 4.4 Which policy would take precedence if a premises has a licence for events, the LSE policy or the extant premises licence as para 4.6.12 recognises that responsible authorities should be given the opportunity to make representations relating to different events at the same location. How do the two approaches connect for a premises that holds a variety of unspecified large events.</p> <p>16. 4.9 There is no process for regular reviews, a licence could be in place for decades with no review of the activities licensed, except in the instance of a complaint. If there are no regular checks standards may slide.</p> <p>17. 4.9.1 For clarity does this paragraph mean that a body such as a Parish or Town Council could request a review.</p> | <p>11. This is in-line with the Somerset Council Enforcement Policy, but each case would be considered on its own merits.</p> <p>12. Recommend no change as the advertising of applications is set out in statute.</p> <p>13. The Minor Variation process is a simplified process that can only be used if it has no adverse effect on the Licensing Objectives. If it does, the application is rejected the only way forward is to submit a Variation.</p> <p>14. There is no consultation for a Temporary Event Notice (TEN). It is not a licence; it is a notice served on the Licensing Authority informing them that a licensable event is taking place. The only persons who can object to a TEN are the Police or Environmental Health.</p> <p>15. Recommend no change as each event needs to be considered on its own merits.</p> <p>16. Under the Licensing Act 2003 licences are usually held in perpetuity and we carry out proactive inspections as well as being reactive to complaints.</p> <p>17. Yes</p> | |
| 2 | Member of public | <p>1. 2.1 Legislation Prior to submitting your application you ARE REQUIRED to seek the views of responsible authorities and local community to obtain information on local issues and concerns that you may wish to take into consideration prior to making your application</p> <p>2. 4. Administrative procedures 4.03 and 4.04 need to be amended to have more wider distribution using community sites and media besides newspapers. Notice needs to be prominently displayed in the relevant area not only at the site itself.</p> <p>3. 4.12 It is recommended that applicants liaise with neighbours and/or any relevant community group such as a local residents association, or other such groups, as may be appropriate prior to submitting an application. What if this recommendation is not taken up and neighbours and community groups are unaware of the licensing application so are unable to make</p> | <p>1. Recommend no change as there is no legal requirement to do this but the policy advises that it may be useful to do so. The advertising of applications is set by statute.</p> <p>2. Recommend no change as the advertising of applications is set by statute.</p> <p>3. Recommend no change as there is no legal requirement to do this so the policy advises that it may be useful to do so.</p> <p>4. Recommend no change as this would be a planning issue, not a licensing one.</p> | |

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| | | <p>representation in the required period? Applicants should be required to show evidence of liaison /consultation</p> <p>4. 4.1.5 Public Health This aspect needs to be strengthened. Public Health can be endangered if the sewage system is overwhelmed by a large increase in occupants at a site. How this will be dealt with needs to be a requirement prior to granting a licence for large numbers of people over 24 hours 7 days a week</p> | | |
| <p>3</p> | <p>Member of public</p> | <p>1. Page 11 'Legislation': After Para 2.1.1 the Policy should set out the other legislation which the licensing authority is bound by in undertaking its licensing function under the Act, including: o S17 of the Crime & Disorder Act 1988</p> <p>(Note: the above list replicates what appears at 2.1.1 of Mendip's Policy)</p> <p>2. Page 11 Para 2.3.1: spelling error: the word 'become' should read 'becoming'</p> <p>3. Page 12 Para 2.4.1- 'Children' this should also state (as para 2.3.2 of Mendip policy does) that "Applicants for a premises license are advised to include in their operating schedule (where applicable) specifically how they will prevent sales of alcohol to persons under 18 years, minimise glass related injuries and assaults, prevent noise from licensed premises becoming a nuisance and manage customers outside their premises who are smoking"</p> <p>4. After 2.4.5 the Policy should set out the child protection bodies to whom the 2003 Act requires Applicants to copy details of their application, (as per Mendip's policy 2.4.1 and 2.4.2);</p> <p>5. The Policy should also itemise examples of issues likely to raise concern in relation to children (as per Mendip's policy 2.4.7), and examples of entertainment likely to cause concern (as per Mendip's policy 2.4.8). The Licensing authority's strong advice in relation to children where music and alcohol are the main reasons for an event taking place, should also be included (as per 2.4.9 of Mendip's policy) . In addition the Licensing Authority's strong advice should be included in relation to events provided solely for young people (as per 2.4.10 of Mendip's policy), and finally, a statement should be included of the conditions which an applicant is advised to offer for consideration in its operating schedule, where adult entertainment or services may give rise to concern in respect of children: (as per 2.4.11 of Mendip's policy.)</p> <p>6. Page 14: 'Late Night Refreshment' After 2.7.5 the Policy should set out details of the licensing authority's power to charge late-night levies (as per para 2.6.1 and 2.6.2 of Mendip's Policy)</p> <p>7. Page 15 'Partnership Working' para 3.1.2 should set out examples of the form which 'co-operation across Services within the Authority' will include or be likely to take. In this regard the Policy document might take its cue from the House of Lords Select Committee Report following their post-legislative Scrutiny of the Licensing Act 2003 (published 4.4.17) at https://publications.parliament.uk/pa/ld201617/ldselect/ldlicact/146/146.pdf Specifically, para 245 of the report cites examples of authorities where there is</p> | <p>1. Recommend no change as: Section 17 of the Crime and Disorder Act 1988 is referenced at 3.1.3 Human Rights Act not referenced as it is enshrined in everyday life. Equalities Act 2010 is referenced at 1.5.2 Anti-Social Behaviour, Crime and Policing Act 2014 is referenced at 1.5.3</p> <p>2. Corrected</p> <p>3. Recommend no change as this paragraph is now at 2.3.1</p> <p>4. Recommend no change as this is referenced at Appendix B and further information on Safeguarding can be found at Appendix F</p> <p>5. Recommend no change as this was intentionally not included in the policy as it was thought most of the text was common sense and each application would be decided on its individual merits.</p> <p>6. Recommend no change as this was intentionally removed as it is a legislative power not a policy issue and there are no late-night levies within the Licensing Authority area.</p> <p>7. Recommend no change as this is a report from 2017 which made recommendations but were never adopted within the Section 182 Guidance. We do liaise with our Planning colleagues and as Responsible Authority they are consulted on all applications for the Grant or Variation of a premises licence.</p> <p>8. Recommend no change as this is not a recent change in legislation, this refers to the Police Reform and Social Responsibility Act 2011 so has been enacted for the past 12 years. The role of the</p> | |

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| | | <p>already good co-operation between licensing committees and planning officers, and Para 247 which recommends: “Coordination between the licensing and planning systems can and should begin immediately in all local authorities. The section 182 Guidance should be amended to make clear that a licensing committee, far from ignoring any relevant decision already taken by a planning committee, should take it into account and where appropriate follow it; and vice versa.”</p> <p>8. Page 16 ‘Licensing Authority as Responsible Authority’ After 3.2.4 the policy should make it clear what this recent change in the legislation means by reference to the Home Office explanatory Guidance, which is detailed as follows at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/98130/licensing-authorities.pdf “What is the proposed change to be made through the Bill? We will make licensing authorities responsible authorities under the Licensing Act. This will empower them to refuse, remove or review licences themselves without first having had to have received a representation from one of the other responsible authorities listed above.</p> <p>What are the advantages of giving licensing authorities this additional power? This proposal will ensure that licensing authorities are better able to respond to the concerns of local residents and businesses by taking the necessary actions to tackle irresponsible premises without having to wait for representations from other responsible authorities.”</p> <p>9. Somerset’s Policy should also clarify that relevant representations from Responsible Authorities which are made within the prescribed period, shall be considered, where submitted in any written or verbal form.</p> <p>10. It is Important to note that: whilst s17 of the Licensing Act 2003 imposes a duty on Applicants and any advertisements to use a ‘prescribed form’, the section only refers to the ‘prescribed period’ within which Responsible Authorities and Other Persons may make representations to the Licensing Authority. Accordingly, the legislation does not impose any prescribed form for representations from this sector.</p> <p>11. The Policy should additionally make clear that in the interests of transparency and freedom of information, details of any representation from a Responsible Authority relevant to a pending application for a license shall be disclosed on written request to all parties including the applicant or any other person or body who has made a representation, at least 2 clear days in advance of any hearing.</p> <p>12. Page 18 ‘Avoiding Duplication’ para 3.6.2: After the words “ensure that the appropriate form of planning permission is in place” insert: “prior to operation” (as para 3.6.2 of the Mendip policy provides)</p> <p>13. This part of the Policy should include the licensing authority’s warning in relation to an applicants who do not obtain such consents (as per para 3.5.5-6 of Mendip’s Policy)</p> | <p>Licensing Authority as a Responsible Authority is clearly explained within section 3.2.</p> <p>9. Recommend no change as the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 Section 21 states that an application, notice or representation shall be given in writing, which includes being transmitted in electronic form.</p> <p>10. Recommend no change as this is detailed in the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.</p> <p>11. Recommend no change as this is covered by the Licensing Act 2003 (Hearings) Regulations 2005</p> <p>12. Recommend no change as this was intentionally removed as it is not a requirement for the application but is a suggestion.</p> <p>13. Recommend no change as this is covered in 3.6.2</p> | |
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| <p>4</p> | <p>Member of public</p> | <ol style="list-style-type: none"> 1. 2.31 I welcome the recognition that an area of concern is preventing noise from licensed premises becoming a nuisance. However the policy could go further and indicate that creating a noise nuisance outside the license conditions is unacceptable and will be subject to enforcement. 2. Surely another known area of concern is overcrowding/crushing at large indoor and outdoor events? 3. 2.6.5 Suggest second sentence should read “If representations are received in areas with a concentration of residential properties, then imposition of stricter noise control conditions will likely be necessary. 4. 3.1.1 I welcome the recognition that delivery of the Licensing function involves a partnership approach with, amongst others; residents, parish councils and LCNs. However I would like to see more policy guidance to demonstrate this involvement. For example, it is presently not a requirement on the applicant or LA to notify Parish Councils (or presumably LCNs). I assert that SC should introduce this requirement or at the very least “strongly recommend” notification of local community groups including parish councils. 5. 3.3 Cumulative Impact Policy: This policy still doesn’t address sequential licensed events at the same location. 6. Also it would be useful for the policy to state how the LA controls the cumulative impact of multiple TENs e.g. off-site campsites around Glastonbury Festival. NB: It is understood that the Festival license conditions has no legal effect on these sites. 7. 3.9 Enforcement: Is it not appropriate for this policy to enshrine formal reviews of large events? For example, each year there is a review of Glastonbury Festival under the behest of the (Mendip) Scrutiny Board – surely this should be formalised within this Somerset wide policy? 8. 3.10.3 More could be done to explain or signpost the complaint procedures. Surely any complainant has the right of appeal if it is not considered a “valid complaint”? 9. 4.1.2 I believe that SC should adopt a mandatory policy of liaising with neighbours. At the very least it should strongly recommend this approach, with some appropriate sanctions if this approach is not followed. 10. 4.1.4 The applicant needs to describe safe capacities together with the procedures that are in place to ensure safe capacities are not exceeded. For example certification control of ticket numbers. 11. 4.7.1 This is a praiseworthy statement but most legal controls are outside the LA. For example the Environmental Agency controls the impact on watercourses. It would be useful for the policy to explain its relationship with other agencies involved in ensuring sustainable management. | <ol style="list-style-type: none"> 1. Recommend no change as a Premises licence includes the entire licensable area and this paragraph advises applicants what to address in their operating schedule to promote the licensing objectives. Enforcement is detailed at 3.9. 2. Recommend no change as this will be assessed by Safety Advisory Groups and event Multi partnership Meetings on a case-by-case basis. 3. ” Agree with the re-wording but use “will be considered” rather than “likely to be necessary”. 4. Recommend no change as Ward members and Parish Clerks are notified of all new premises licence applications and applications to vary an existing licence within their area. 5. Recommend no change as each application will be considered on its own merits. 6. Recommend no change as the LA cannot control the number of TENs as it is a notice served on the LA that a temporary event is taking place. 7. Recommend no change as the licence is not reviewed on annual basis, officers make recommendations to Scrutiny Board in relation to the Event Management Plan if required. 8. Recommend no change as it is quite easy to find the complaints page on the Somerset Council website Complaints, comments and compliments (somerset.gov.uk) Any appeal would be to the ombudsman. 9. Recommend no change as we cannot make this mandatory as it is not a legal requirement, but the paragraph recommends this approach. 10. Recommend no change as each application will be considered on its own merits by Responsible Authorities and any required conditions will be tailored to individual applications by either mediation or a hearing. 11. The climate team will update their webpage with the event sustainability information to include links to other agencies and their responsibilities around events. | |
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| 5 | | <p>1. Clause 3.1.2 (page 15) of the Licensing Policy should state that the Licensing Authority WILL co-operate with other services across the Authority to promote the Licensing Objectives and be clear about the form such co-operation should take.</p> <p>2. In 2017 the House of Lords Select Committee published its post-legislative scrutiny report of the Licensing Act 2003. The House of Lords specifically identified inadequacies in decision making by Licensing Authorities due to lack of connection with the Planning regime, which had led to “numerous examples of the absurdities caused by the separation of the systems... [particularly where both licensing and planning are relevant and where] permission for one without the other is of no use”.(para 118 HoLreport)</p> <p>The House of Lords further noted the good practice in some authorities which had arranged for Licensing and Planning enforcement to work together and wanted this to become the norm in all local authorities, on the basis that coordination between the licensing and planning systems can and should begin immediately.(para 245 HoL report)</p> <p>The failure of the Licensing Authority to properly co-ordinate with the Planning regime and consider existing planning permissions prior to granting a license leads to licensing hours being permitted which exceed those allowed under planning restrictions. Planning enforcement then have to step in.</p> <p>At paragraph 122 of its report the House of Lords states: "Licensing committees are not bound by decisions made by a planning committee, and vice versa. We believe that this policy, far from avoiding duplication and inefficiency, has increased it, and has led to confusion and absurdity."</p> <p>I urge Somerset Council to use this opportunity to take on board the recommendations of the House of Lords Select Committee to ensure better coordination between the planning and licensing regimes. You should include a full statement of how the relationship between the two will work thus avoiding the shocking waste of time and resources the current lack of co-ordination causes.</p> | <p>1. Recommend no change as the LA seeks co-operation but must follow current legislation.</p> <p>2. Recommend no change as this is a report from 2017 which made recommendations but were never adopted within the Section 182 Guidance. We do liaise with our Planning colleagues and as Responsible Authority they are consulted on all applications for the Grant or Variation of a premises licence.</p> | |
| 6 | Responsible Authority | <p>1. 2.4 Children To support the licensing objectives, we suggest alcohol advertising should be addressed. There is overwhelming evidence that alcohol marketing profoundly influences children. It encourages them to drink earlier and once they have started, it encourages them to consume more; and it is both the content and volume of advertising and marketing that causes the damage. We believe that alcohol should not be advertised within a 400m radius of schools, children’s homes, or in other locations which are likely to be seen by high numbers of children and young people. We would like businesses to take this into consideration, when designing and displaying their point of sale advertising.</p> | <p>1. This is regulated by the Advertising Standards Authority (ASA) who is the UK’s independent regulator of advertising across all media. They apply the Advertising Codes, which are written by the Committees of Advertising Practice (CAP) Home - ASA CAP</p> <p>Recommend referencing and signposting ASA within 2.4 – RA in agreement.</p> <p>2. Recommend no change as each application will be considered on its own merits.</p> | |

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| | | <p>2. 2.5 Vulnerable Adults This section could go further, by highlighting how the physical layout of the premises may present particular risks for vulnerable persons.</p> <p>3. 3.1 Partnership Working - 3.1.1 Please can Somerset Strategic Drugs and Alcohol Partnership be added as an organisation that works to support the licensing objectives.</p> <p>4. 3.3 Cumulative Impact Policy We have ongoing concerns that Cumulative Impact Areas are not currently used in Somerset. There are areas where evidence indicates the density of licensed premises is impacting adversely on the licensing objectives. We support the new policy recognises that the Act provides a mechanism for consideration should the need arise in the future.</p> <p>5. 4.1.5 Public Health We welcome the inclusion of Public Health.</p> <p>6. Under section 4.1.5 referenced in the new policy we would ask the following sentence: The DPH may hold information unavailable to other Responsible Authorities which may assist the Licensing Authority in exercising its functions is amended for transparency as we would prefer it to state: The DPH collates data which may be unavailable to other Responsible Authorities, but its analysis may be presented to assist the Licensing Authority in exercising its functions.</p> | <p>3. Agreed – add email address to page 5. SSDAP@somerset.gov.uk</p> <p>4. Noted.</p> <p>5. Noted.</p> <p>6. Amend as requested.</p> | |
| 7 | Member of public | <p>1. The supporting document appears to cover most aspects when granting a License .All that I would want included or made clearer is that the impact on a Community is taken into account and the Devon made is mindful that a license till midnight has wider implications in noise and anti social behaviour if the venue is in a residential area</p> | <p>1. Recommend no change as this is covered in section 2.6 paragraphs 2.6.2 & 2.6.5.</p> | |
| 8 | Somerset Council Officer | <p>1. I would suggest that section 5 is too vague to comply with general principles around fair enforcement. The statement has no clear definition and so is open to a wide range of interpretation “if it sees fit” is not clearly defined.</p> <p>A better format for section 5 might be to state that “ charging will be in accordance with the council`s adopted fees schedule ”. As licensing fees have to be set annually a fee schedule can then be created which creates a basic minimum or maximum charge. This schedules should also include an ability to waiver for certain appropriate bodies. This would need to be defined by the council in the charging schedule and would provide clarity to support the overarching policy.</p> | <p>1. Recommend amendment to – The Authority may charge for pre – application advice on request in accordance with the council`s adopted fees schedule.</p> | |
| 9 | Member of Public | <p>1. No account of past failings to protect the community I am concerned to see that this policy , which does not appear to differ in any substantial way from the former Mendip policy , does not take account of the issues that were raised (and accepted as action points) at a recent Mendip Scrutiny Board (November 22?) concerning the Glastonbury Festival. These issues illustrated failings in your licensing and enforcement regime and therefore by implication likely also your policy and included concerns about noise, traffic and overcrowding,</p> | <p>1. Recommend no change as the minutes of the Scrutiny Board 22/11/23 have been reviewed and there are no action points recorded but the following was resolved.</p> <ul style="list-style-type: none"> Note the report. | |

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| | | <p>(a) I propose that the minutes of the scrutiny Board are reviewed and the relevant parts of this policy strengthened to mitigate the issues that were raised there; and for the record were repeated again this year.</p> <p>2. Independent review of this policy Your records will show that Mendip failed in the application of the license. For example it failed to have in place a means of monitoring compliance with the noise curfew and when challenged sent correspondence which was contradictory and fell short of the standard I and others in my village expected of our local authority. They even failed in responding properly to my FOI request (which I felt compelled to make because of their handling).</p> <p>(a) I therefore request that someone other than the Mendip Licensing team deals with the revisions to the policy on which you are consulting. It is normal practice in Auditing for the lead auditor to be changed periodically and I suggest this is done here too a team that has not felt the need to take action to mitigate serious breaches in the past will very likely not have the independent mind and fresh approach that review of this important policy needs.</p> <p>(b) I also propose that the review must take account, if not already done so, of good practice as operated by other authorities in whose area there are similar large scale events. Somerset should learn from the experience of others if there is learning to be had.</p> <p>3. Engagement of members of the communities within the Council's area of responsibility.</p> <p><i>Consultation on the policy</i></p> <p>(a) Shortfalls on licensing (the policy, the licenses and their application), can and do have a profound impact on the quality of life in our communities. I was surprised therefore that this consultation was not widely publicised, that it was not drawn to the attention of those that have expressed concern over licensing matters previously and that there were not consultation meetings. It was only by chance that a neighbour drew this to my attention at the 11th hour.</p> <p>(b) Some of my comments that follow are from experience of the Glastonbury Festival has on the surrounding communities. I appreciate this is not a consultation on the festival per se but it provides a useful reference as to how the hitherto licensing arrangements have failed us.</p> <p><i>Consultation concerning the changes to and application of licences</i></p> <p>(a) I would like to propose, if it does not already exist, that you enable members of the community to be automatically notified of matters in which they have registered an interest.</p> | <ul style="list-style-type: none"> • Support the Officer recommendations summarised in Appendix 2 of the report. • Request a written response to the recommendations from the Licensee. <p>(a) Recommend that this is not a policy issue but a licence issue specific to Glastonbury Festival.</p> <p>2. Recommend that this is not a policy issue but a specific licence issue.</p> <p>(a) Recommend no change as the draft policy has been reviewed by Licensing Leads from previous districts who are now part of Somerset Council. Also, the consultation process is a review of the policy.</p> <p>(b) As above</p> <p>3. Engagement of members of the communities within the Council's area of responsibility.</p> <p><i>Consultation on Policy.</i></p> <p>(a) Recommend no change as this consultation was widely publicised as required in statute as well as parishes and various social media outlets.</p> <p>(b) Recommend that the comment is noted.</p> <p><i>Consultation concerning the changes to and application of licences.</i></p> <p>(a) Recommend no change as members of the community are notified of applications by way of notification to Ward and Parish Cllrs and by way of advertising as set out in the Licensing Act Regulations.</p> <p><i>The Policy should be revised so that members of the community are consulted in the detail of Operating Plan.</i></p> <p>(a) Recommend no change as under the Licensing Act 2003 there is a 28-day consultation period for any grant or variation of a premises licence. A Responsible Authority or any other person may make a representation for or against the application during that period. In respect of Glastonbury Festival, multi-agency partnership meetings are held specifically for Responsible Authorities to scrutinise event management plans. GFEL organise community engagement</p> | |
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| | | <p><i>The Policy should be revised so that members of the community are consulted in the detail of Operating Plan</i></p> <p>Your policy again excludes a requirement for the local authority to consult members of the community on the very issues that will impact them . Members of the community should be consulted on the Operating Plan . Mendip has told us repeatedly when we have raised issues concerning the license for the festival that these matters would be taken care of in the Operating Plan. However members of the community are specifically excluded from consultation or engagement in the plan. This is a critical weakness in your policy . People who live near the licensed premises will have a perspective that the authority may not, and at the end of the day the license should protect those same people.</p> <p><i>The applicant's consultation and wash up meetings with the community should be mandated and the licensing authority should supervise this to ensure appropriate measure are taken as a result of the consultation.</i></p> <p>(a) The policy should be strengthened (if the legislation allows) to mandate proper consultation with the community and in good time. I have attended such meetings when I was told by the applicant that it was too late to change anything. This is NOT consultation. Equally there must be a proper wash up meetings for repeated events</p> <p>(b) In previous years the it has been our experience consultation meetings concerning a licensed event have been chaired by the Applicant. If the legislation allows, the policy should make provision for the consultees to shape the agenda and for the chair to be independent (ie using the f license as an example of the principle that should be in the policy, this would then not be chaired by the festival, nor the <u>local</u> licensing team or the parish council- although those organisations should be present).</p> <p>4. Conditions on the license Para 1.5: The policy should be revised (if legally possible) so that conditions can be applied also if there have been previous complaints about the applicant in relation to matters covered by licensing in general.</p> <p>5. Cumulative impact Policy Where an event happens repeatedly and incurs significant impact time and time again and/or where the event attracts other events such as camping under other 'permissions' then total impact of <u>all</u> these events must be taken into account. Your policy should specifically reflect this.</p> <p>(a) To illustrate how the licensing policy fails to take cumulative impact into account and where the new policy should be strengthened , your festival license does not seem to exercise any control over very significant numbers of people arriving in or near our village for camping well in advance of the festival . That camping only takes place because of the festival. Your license should extend to businesses that have a 'dependence' on the licensed event and certainly to 'partnerships' (eg where camping and ticket are jointly purchased).</p> | <p>meetings for members of the community and the Parish Council to raise any concerns. If there are issues that are not addressed, there is the option to review the licence.</p> <p><i>The applicant's consultation and wash up meetings with the community should be mandated and the licensing authority should supervise this to ensure appropriate measure are taken as a result of the consultation.</i></p> <p>(a) Recommend no change as what is being referred to is not consultation, it is community engagement and these meeting are convened by the event organisers. There is no legal requirement to do this, but it is something we encourage and are keen to see it continue.</p> <p>(b) As above.</p> <p>4. Recommend no change as conditions can only be added to a license by way of minor variation, variation, or review.</p> <p>5. Recommend no change as this is covered in section 3.3 and at paragraph 3.3.4 it clearly states, Somerset Council has no immediate plans to publish a CIA but recognises that the Act provides a mechanism for consideration should the need arise.</p> <p>(a) As above</p> <p>6. Recommend that the comment is noted but is a statement in relation to Glastonbury Festival and not a policy issue.</p> <p>7. Complaints, Monitoring and Enforcement.</p> <p>(a) Recommend no change as the draft policy has been reviewed by Licensing Leads from the former districts who are now part of Somerset Council.</p> <p>(b) As above but not a policy issue but a specific licence issue.</p> <p>(c) Recommend no change as this is not a policy issue but a specific licence issue.</p> | |
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| | | <p>6. Integrated Strategies The LA administration of the festival so far has had inadequate regard to the interests of the local community. It has not engaged properly with the negative impact on those communities and has cited unsubstantiated arguments about significant benefit of the festival to the community. Competing interests must be considered but the way in which this has been voiced at LA meetings indicates an improper application. For example the claimed local commercial benefits should not prevent proper control over noise on the community. There also needs to be clear criteria as to how alleged benefits (commercial and linked businesses) compare with the disruption to residents</p> <p>7. Complaints, Monitoring and Enforcement (a) Mendip’s track record on license monitoring and enforcement has been woeful. Because of this the policy needs to be completely reviewed by persons within the Somerset Authority who have had no prior engagement with Mendip. (For example ,last year (2022) there were repeated significant breaches of the so called festival noise curfew period;the correspondence with members of Mendip was inconclusive (and in my opinion unacceptable). Even their handling of a related FOI breached the legal standards of handling).</p> <p>(b) The policy and expressed requirements of the Authority should be overhauled such that all activities are assigned appropriate standards , is properly supervised and monitored and enforced if materially breached. The current policy clearly fails to do that in that we have had repeated and serious breaches of the festival noise curfew in the last 2 years (and previous years) .</p> <p>(c) The permitted levels of noise have not been ‘managed ‘ by application of your current policy and the proposed policy does not differ</p> <p>8. Traffic, roads and pathways The policy should take into account the use of helicopters for transport. For example at this year’s festival there was significant use of helicopters to the festival site including during the night which caused disturbance. It should also be a consideration under ‘sustainability’ in your policy.</p> <p>Where there are alternatives, traffic to an event on the side of a community should not be allowed to :</p> <ul style="list-style-type: none"> -deny the community normal access to their house and parking, - subject it to large volumes of traffic, some of it quite unsuitable for the nature of the village roads. - put pedestrians at risk. <p>Your policy should categorically require that where there are alternative for parking and traffic flows they MUST be used.</p> <p>As we are encouraged to have active lifestyles the local authority should not be shutting down footpaths and bridleways for 2 months of the year in connection</p> | <p>8. Recommend no change as this is not policy issue but could be considered on a case-by-case basis on application or a review of the licence.</p> <p>9. Recommend no change as this is not a policy issue but a specific licence issue.</p> <p>10. Recommend no change as this is not a policy issue but a specific licence issue.</p> <p>11. Recommend no change as this is not a policy issue but a specific licence issue.</p> | |
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| | | <p>with a licensed commercial activity. Could you consider how this could be curtailed by your policy?</p> <p>9. Security Using the festival again as an example ,people scaled the festival fence and making unauthorised entry to the festival site this year. The license should increase its attention to security including in the community.</p> <p>10. Sustainability and environment. From this years festival there was evidently inadequate provision of toilets. Your policy needs to focus on pollution an hygiene.</p> <p>11. Crowd control Your should have a specific requirement concerning crowd control at large events. I have been dismayed at this absence in practice. Had the lack of crowd control at the festival been associated with a football match it would have been banned</p> | | |
| | | | <p>Delegated authority required to continue to make minor textural changes as and when required</p> | |