

Minutes of a Meeting of the Licensing Sub-Committee held in the Council Chamber, Council Offices, Brympton Way, Yeovil BA20 2HT, on Monday, 7 August 2023 at 10.00 am

Present:

Cllr Tony Lock (Chair)

Cllr Simon Coles

Cllr Hugh Davies

1 Apologies for Absence - Agenda Item 1

There were no apologies for absence.

2 Declarations of Interest - Agenda Item 2

There were no declarations of interest made by members.

3 Procedure to be followed when considering Licensing Applications under the Licensing Act 2003 - Agenda Item 3

The Licensing Sub-Committee noted the procedure to be followed when considering Licensing Applications under the Licensing Act 2003.

The Chair introduced the members of the Sub-Committee and the Officers present at the hearing.

The Chair confirmed that the Officer's report relating to the case, the procedure to be adopted during the hearing and the documents which the authority is required to provide under the Regulations had been received by all Parties in advance of the meeting.

4 Objection notices received in respect of a standard Temporary Event Notice for Wincanton Sports Centre, West Hill, Wincanton, BA9 9SP - Agenda Item 4

The Legal Specialist advised that the applicant had made a request for a number of documents to be considered which had been received by the Police that morning. She advised that if the Sub-Committee wished to view the documents, an

adjournment would need to be agreed. In response, the Chair advised that due to the lateness in receiving the information and the fact that they were lengthy documents, he would not be seeking an adjournment.

The Licensing Specialist presented the report in respect of a Temporary Event Notice application for an event at Wincanton sports Centre, West Hill, Wincanton, BA9 9SP, following receipt of an objection on behalf of the Chief of Police for Avon and Somerset Constabulary.

She explained that the application was for a boxing show event taking place from 12th to 13th August 2023. The proposed activities were for the sale by retail of alcohol and regulated entertainment. The timing of the event had been amended following the submission of the event management plan and would now start at 5.00pm, with last orders at 11.00pm and the last service of alcohol being around 11.30pm with all members of the public vacating the premises by 12 midnight. The applicant was a personal licence holder and in support of his application, he had submitted an event safety management plan, risk assessment for crowds, a response to the police objection and a letter from the security company along with an event management plan in relation to a previous event.

The Police Licensing Officer confirmed that the information submitted by the applicant and received by the police that morning following a meeting held the previous Friday had not been considered and did not form part of their representations. The Police Licensing Officer addressed the Licensing Sub-Committee. Her representations included the following:

- Details of two previous events that had resulted in crime and disorder and anti-social behaviour being experienced which were directly linked to the events and the persons involved in the disorder being heavily intoxicated.
- The police believed that the hours applied for were excessive and would fuel anti-social behaviour.
- The event management plan submitted was almost identical to the plan for the May event. It was noted that the SIA provision had been increased from ten to twelve. The police were informed that twelve operatives were working at the event in May therefore if this was the case no additional measures to promote the licensing objectives had been put in place.
- The show was a white-collar boxing event and therefore would not operate within the defined and appropriate rules and guidance for a safe boxing event other than those adopted by the applicant.
- There was no detail provided around the promotion of the licensing objections and the sale of alcohol within the event management plan and other

documentation.

- The applicant had referred to only three percent of his total capacity being involved in serious disorder. The police considered a zero percentage to be acceptable.
- The venue was not considered to be in a serviceable condition as it was currently undergoing building work and two of the fire exits in the main event area were obstructed. A site plan had been requested but not received.
- The police had been unsuccessful in contacting the owners to establish the safe capacity of the building.
- The police were not satisfied that the issuing of the temporary event notice would promote the licensing objectives.
- Wincanton Sports Centre did not have a premises licence and therefore there were no relevant conditions for boxing that could be transferred over to the temporary event notice.
- The two previous events that had taken place adhering to the same event management plan and the plan submitted to support this event had resulted in serious crime and disorder fuelled by alcohol intoxication.
- There was no control over the sale and re-sale of tickets for the event.
- There was no mechanism in place to record the capacity of persons within the venue.
- The applicant had not provided adequate plans or risk assessments to ensure that the licensing objectives would be upheld and promoted.
- The police requested that a counter notice be issued in respect of the application.

In response to questions from the Applicant's Head of Security regarding body cam footage and the attendance of the police at one of the events, the Police Licensing Officer indicated that she was not aware of the detail around the body-worn camera footage so could not dispute whether it had been received. Due to the incident being under criminal investigation, she was unable to discuss the case further. She was not aware from the police recording system that the incident that had occurred at the last event had not been dealt with effectively by the police. She confirmed that the local police were made aware of the event being held prior to it taking place.

The Applicant confirmed that the fire exits within the venue had been cleared and that a clicker device would be used to record the exact number of people within the venue at any one time. He also clarified that this would be his fourth show at Wincanton Sports Centre.

In response to questions from members, it was noted that:

- The police had been unsuccessful in finding out the capacity of the building

from the owners or staff working at the venue.

- The boxing events were classed as family friendly events.
- ID checks would be undertaken on the door against a list of people who were known to cause anti-social behaviour and these people would be refused entry.
- Twelve SIA operatives would be provided by the applicant for the event which was slightly higher than the one per fifty people ratio.
- There was no legislation around security provision. It was calculated on a risk assessment basis.
- At the last event eight out of twelve operatives had body-worn cameras.

The Applicant addressed the Sub-Committee in support of his application. His representations included the following:

- He understood and appreciated the increased potential of there being incidences due to the nature of the event. Security for the event had been increased above the normal ration.
- The isolated incidences that had occurred at two of the events equated to 1.3% of spectators causing anti-social behaviour. The events were operating at 98.7% safe, fun, happy and entertaining evenings.
- The shows had got bigger, better, safer and more enjoyable bringing the local community together as well as raising money for local organisations benefiting the local community.
- He was concerned about the detrimental effect on the boxing community if the temporary event notice were to be refused.

The Applicant's Head of Security commented that he had supplied security services to the applicant for a number of years. He said that the applicant believed in safety and had a duty of care to look after the spectators, boxers and staff at the events.

In response to questions to the Applicant, members noted the following:

- The list of people known to cause anti-social behaviour was held by the applicant and the head of security. The two security guards at the front of house and the applicant's own stewards would also be responsible for checking the list.
- The Licensing Specialist advised that the boxing element of the event was also a licensable activity. If the temporary event notice were to be refused both the sale of alcohol and boxing would not be permitted.

In summing up, the parties made the following representations:

- The Police Licensing Officer did not believe that any additional information provided by the applicant would reassure the police that there would not be a repeat of the disorder that had been experienced at previous events. The applicant was reliant upon the same plans that were put into place at

previous events. They also felt that not enough information had been provided in relation to the list of people who were known to cause anti-social behaviour. The Police were unable to support the application.

- The Applicant stated that if the police were willing to be at the event, they could have access to the list. He could only take as many measures as he possibly could as well as anticipate and react as best he could.

The Licensing Specialist advised that Wincanton Sports Centre did not have a premises licence therefore there were no conditions that could be applied to a temporary event notice.

Members of the Licensing Sub-Committee, the Specialist - Legal and the Case Officer - Democratic Services, attending in an advisory capacity only, remained in the meeting and all other officers and parties withdrew to allow the members of the Sub-Committee to consider their decision in private.

Members of the Sub-Committee considered their decision in private session and were mindful of the advice given to them by the Legal Specialist.

On reconvening, the Chairman informed those present at the hearing of the decision of the Licensing Sub-Committee:

In respect of the Temporary Event Notice received for Wincanton Sports Centre, West Hill, Wincanton, BA9 9SP, under the Licensing Act 2003, the Licensing Sub-Committee has determined that the events on 12th August to 13th August 2023 should proceed in accordance with the temporary event notices.

A written objection notice had been received from the Avon and Somerset Police objecting to the application on the grounds of crime and disorder, public safety and protection of children from harm. Their main concern being the crime and disorder experienced at two previous events organised by the same applicant.

They were also concerned that the applicant had not provided enough detailed information on how the event would be managed and that an insufficient risk assessment had been undertaken. Following assurances from the applicant, the Police remained concerned that there was insufficient security available and that in the event of a disturbance, they would be unable to manage public disorder, comprising the safety of visitors to the event. They concluded by stating that Police could only judge such an event based upon the information before them, and this was completely insufficient and they could not be convinced that the event would be run safely and could not support it in its current form.

The applicant assured members of the Sub-Committee that measures had been put in place to alleviate the concerns expressed by the Police. They had increased the security staff and would not allow anyone into the event who were known to have caused anti-social behaviour at previous events.

The Sub-Committee noted the significant objections raised by the Police in respect of the proposed security arrangements and their concerns that a proper risk assessment had not been completed.

The Sub-Committee listened to the assurances of the applicant of the additional measures they had put in place such as additional security staff, body camera's and I.D checks. They were keen for the event to proceed and supported events of this nature. They took into account the incidents that had occurred at the previous events and were satisfied that the applicant had put measures in place to promote the licensing objectives.

The Sub-Committee approved the applications for the temporary event notice.

All parties are reminded that there is a right of appeal against the decision of the Licensing Authority. Such an appeal is to be made within 21 days of the date of receipt of the formal Notice of Determination and should be made to the South Somerset Magistrates Court.

(The meeting ended at 12.20 pm)

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CHAIR