

Somerset Council

Licensing sub-committee – **Monday 2nd October 2023**



Somerset
Council

Application for the grant of a Premises Licence under the Licensing Act 2003

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Executive Lead Member: Cllr Federica Smith-Roberts

Division / Local Member: Licensing Sub-Committee

1. Summary

- 1.1 Members are asked to consider an application to grant a Premises Licence under the Licensing Act 2003 for Taunton Town Centre, to be effective one Sunday per year for the annual Taunton Winterfest (Christmas light switch-on) event, between the hours of 10am and 8pm.

2. Issues for consideration/recommendations

- 2.1 As a relevant representation has been received by the licensing authority, the sub-committee must take such steps as it considers appropriate for the promotion of the four licensing objectives, being:

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

- 2.2 The steps the sub-committee may take are to:

- Grant a premises licence subject to conditions identified in the applicant's operating schedule/agreed position (modified to such extent as the authority considers appropriate for the promotion of the licensing objectives) and any appropriate mandatory conditions.

- Grant a premises licence subject to variations to the licensable activities and or timings proposed in the application, or to propose additional conditions relevant to the four licensing objectives.
- Reject the application.

3. Background

- 3.1 A completed application and associated paperwork were received from applicants Craig Stone and Ben De-Vey for the granting of a premises licence for areas of Taunton's town centre. Specifically, the application relates to areas of Fore Street, East Street, High Street, Corporation Street, Hammet Street and North Street.
- 3.2 A copy of the application can be found attached as **Appendix A**. The application relates specifically to the annual Taunton Winterfest event, which takes place yearly on the last Sunday in November, and is to allow for licensable activities at this event, with the licence intended to commence from 25th November 2023 and to be valid up to 1st January 2048 (i.e. time-limited for a period of 25 years). The licensable activities applied for are: live and recorded music, performances of dance, sale of alcohol (for consumption on and off the premises area) and other entertainment activities such as magicians, comedians and comperes that will be using amplification and or background recorded music whilst performing. All activities are being applied for to take place between 10:00 and 20:00 and this will be for the single Taunton Winterfest event each year.

4. Consultations undertaken

- 4.1 This application was circulated to relevant responsible authorities on 10th August 2023. A period of 28 days consultation commenced from this date. Public notices were placed up at various positions around the town centre by the applicant for this consultation period, and the application information was posted to the Somerset Council 'list of current licence applications' on the Council's website. A copy of the public notice was also printed in the Somerset County Gazette in the 17th August 2023 edition.
- 4.2 The Licensing Authority received a representation from Area Licensing Practitioner Nicola King, on behalf of Avon and Somerset Constabulary, on 22nd August 2023. The full content of this representation can be found attached as **Appendix B**. In this representation, concerns were raised

regarding the scale of the proposed event and the length of licence applied for (i.e. 25 years). The Police did not consider the information provided under the proposed operating schedule (shown under Section M of the application form as steps the applicant intends to take 'to promote the four licensing objectives') as sufficiently addressing matters such as the safe management of visitor footfall, crowd safety, toilet provision, stewards/security provision, etc. A copy of this representation was also served on the applicants by Nicola King, on the same date that it was served on the Licensing Authority.

- 4.3 In response to the representation, applicant Craig Stone responded directly to Avon and Somerset Constabulary to share and discuss Winterfest's formal written event management plans, with a view to allaying concerns raised in the representation. A face-to-face meeting at the Deane House in Taunton was arranged following this, between the applicant and representatives of Avon and Somerset Constabulary, to see if suitable licence conditions could be agreed (based on the event management plan) between both parties.
- 4.4 At the meeting between the applicant and representatives of the Police, the size of the proposed licensed area was discussed, as the Police voiced concerns about effectively and safely managing such a large licensable area and the number of people occupying it. As such, both parties agreed to reduce the licensed area to focus more specifically on areas where the licensable activity itself would be carried out (e.g. around the areas where alcohol was likely to be sold and entertainment taking place), rather than the entire Winterfest market/event area, thereby allowing a more manageable area to be covered by, and conditioned under, the premises licence. The reduced area, as proposed by Craig Stone, can be found attached as **Appendix C**.
- 4.5 In addition to the above, the Police have also proposed a number of amendments to the licence proposals, as well as a number of conditions, to address their concerns. The full list of proposed amendments and conditions, as served on the applicant, can be found attached as **Appendix D**. Amendments include reducing the period of the licence to cover five years only, as well as further amendments to the plan proposed under Appendix C, to include the whole of North Street under the licence.
- 4.6 At the time of submitting this report, the applicant has yet to agree to these proposals.

5. Implications

- 5.1 The Licensing Sub Committee, when determining this application, must comply with the Licensing Act 2003. It should also have due regard to the Home Office Guidance and the Council's Licensing Policy.
- 5.2 In determining an application relating to a Premises Licence, any Responsible Authority or other party can make representations in relation to the application.
- 5.3 The Licensing Act 2003 created four licensing objectives and in determining this application, only factors that relate to the licensing objectives can be taken into account. Any representation must relate to the licensing objectives and any conditions added by the Licensing Sub Committee must relate to the promotion of the licensing objectives.

Human Rights Act 1998

- 5.4 The sub-committee must also have regard to the provisions of the Human Rights Act 1998 when determining this application. The 1998 Act made the European Convention of Human Rights directly enforceable in British courts. The relevant provisions are Article 6 (right to a fair trial), Article 8 (right to respect for private and family life), Article 11 (freedom of association) and Article 1 of the First Protocol (right to peaceful enjoyment of one's possessions). These provisions require the sub-committee to identify correctly the competing interests, give each appropriate weight in the circumstances of the case, and balance them against each other in order to arrive at a fair and reasonable decision.

Appeals

- 5.5 If the sub-committee modifies conditions or rejects the application, the applicant may appeal within 21 days of notification of the decision to the Magistrates' Court. Those making relevant representations may appeal if they believe that the licence should not have been granted, or that, when granting the licence, the Licensing Authority ought to have imposed different or additional conditions or excluded a licensable activity. The Magistrates' Court may dismiss the appeal, or substitute its own decision, or send back the case to the Licensing Authority with directions as to how the case is to be dealt with. The Magistrates' Court may make any costs order it thinks fit.

6. Background papers

- **Appendix A** – Premises licence application form and plan of area to be covered
- **Appendix B** – Representation on behalf of Avon & Somerset Constabulary
- **Appendix C** – Revised plan, following meeting between applicant and Police
- **Appendix D** – Proposed amendments and licence conditions from the Police, following meeting with applicant