

MENDIP DISTRICT COUNCIL

Minutes of the meeting of the Licensing Board held on Wednesday, 26 October 2022 in the Council Chamber, Mendip District Council, Cannards Grave Road, Shepton Mallet, BA4 5BT commencing at 6.30 pm.

PRESENT:

Councillors Shannon Brooke (online), Simon Carswell (Deputy Chair) (online), Nick Cottle, Michael Dunk (online), John Greenhalgh, Francis Hayden, Bente Height, Lindsay MacDougall and Tanys Pullin

OFFICERS PRESENT:

Claire Dicken	Democratic Services Officer
Marietta Gill	Team Leader – Public Protection
Jack Godley	Senior Licensing and Business Support Officer
Phil Wake	Licensing and Business Support Officer
Nick Ryder	Democratic Services Officer

ALSO PRESENT:

Pete Collins	Drug Expert Lead, Avon and Somerset Constabulary
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Agenda Item	Subject	Actioned by
1	<p>Neither the Chair nor the Deputy Chair of the Licensing Board had been able to attend the meeting in person. Therefore, the Democratic Services Officer opened the meeting by asking for nominations for a Chair for the duration of the meeting.</p> <p>Councillor Francis Hayden nominated Councillor Nick Cottle. This was seconded by Councillor Bente Height.</p> <p>There were no other nominations.</p> <p>RESOLVED:</p> <p>That Councillor Nick Cottle be the Chair for this meeting of the Licensing Board.</p> <p>Chair's Announcements</p> <p>The Chair welcomed everyone to the meeting. He advised the meeting would be live streamed.</p>	

2	<p>Apologies for Absence</p> <p>Apologies for absence were received from Councillors Damon Hooton, Garfield Kennedy, Barry O’Leary, Sam Phripp (Chair) and Helen Sprawson-White.</p>	
3	<p>Declarations of Interest</p> <p>None.</p>	
4	<p>Public Participation</p> <p>a) Items on the agenda None</p> <p>b) Items not on the agenda None</p>	
5	<p>Minutes of the Previous Meeting</p> <p>The Licensing Board considered the minutes of the meeting held on 6 April 2022.</p> <p>RESOLVED:</p> <p>That the minutes of the meeting held on 6 April 2022 be approved.</p>	<p>Claire Dicken</p>
6	<p>Avon and Somerset Constabulary Drug Expert</p> <p>Pete Collins, Drug Expert Lead, Avon and Somerset Constabulary had been invited to attend the meeting to discuss their role at licensed events held within the district. Particularly those at the Bath and West Showground and the Glastonbury Festival.</p> <p>He said they had been working at NASS, which was an event held at the Bath and West Showground, for the last 5-6 years. This year, drug seizures at the festival had been the largest amount yet. But that was not to say that there had been more drugs at the festival compared to previous years. Attendance figures had been lower this year, and security staff had had the opportunity to be very thorough. There had been several arrests made. One seizure had been about £30,000 worth of drugs.</p> <p>From the Police point of view the security companies at the NASS festival were very good at searching for drugs and</p>	<p>Jack Godley</p>

dealing with members of the public, thus that aspect of the festival had run smoothly.

He went on to explain the Police also worked on site during Glastonbury Festival. However, the seizure of drugs at the festival was carried out by a separate, licenced, private company. They carried out back of house testing. Details of their drugs seizures was not disclosed to the Avon and Somerset Constabulary. That data was held by Glastonbury Festival Ltd.

During the discussion that followed Members were interested in an initiative which had started in Bristol called the Loop. This offered a drug testing service in Bristol City Centre.

Mr Collins confirmed the Avon and Somerset Constabulary were pleased to be involved in the initiative. He said the Loop had obtained a Home Office Licence to operate in the Bristol. They were licenced to test drugs, which they would do in exchange for interaction with drug-users in an effort to reduce high risk drug-taking and understand the illicit drug market in the local area.

He reminded Members that the role of the Police was to enforce the law. However, he supported the service being carried out by the health care professionals at the Loop because such checks on drugs were useful to reduce the harm caused by drugs. Health care workers were in a position to offer advice to drug-users.

Members of the Licensing Board hoped that a similar drug testing service to that carried out by the Loop could be offered at the Glastonbury Festival.

Mr Collins said the Police would support such an initiative because it may help to keep people safe. However, the introduction of such drug testing at festivals was a decision for each of the festival organisers. Should they wish to have such testing it would then be necessary for them to obtain a Home Office Licence. Currently the Home Office had not issued any such licences to festivals.

Councillors agreed that the most important issue was to keep people safe.

In response to further queries, Mr Collins said from his knowledge the amount of drug seizures at Glastonbury Festival had been relatively low at this year's event.

However, he noted the security staff had been very busy with the crowds the day the festival had opened its gates.

He confirmed the Police worked well with the private company that were employed to carry out the back of house testing at Glastonbury Festival. Any drugs they seized or received in amnesty bins were tested and retained by the company. Members were assured the seized drugs were never sold or passed on. Cannabis, however, was handed over to the Police for them to dispose of.

Members were interested to know the data from drugs seized at Glastonbury Festival. They queried whether it could be a condition of the licence that they supply the data to the Council.

Mr Collins believed in the region of 99% of seized drugs at the Glastonbury Festival were tested on site. He said the purpose of such testing was to identify substances of issue. In the event of drugs being found to be unsafe, messages would be passed on immediately by the testing company to the festival organisers so they could make the festival-goers aware.

On one occasion at the NASS festival there had been an issue with certain ecstasy tablets. As a result, the organisers were able to post information about the risk on social media. On another occasion medical staff were able to find out about the make-up of drugs taken by a person in their care.

Mr Collins said the main purpose of back of house drug testing was to gather information which was then used to keep people safe.

Members were concerned about the risk that someone may not have received the warning message. Members were also concerned that modern cannabis was stronger than it had been years ago.

There was further serious concern that in the event that drugs are seized by security staff at the festival, the festivalgoer may buy more drugs, at greater risk to themselves, from a supplier at the festival whom they did not know or trust.

Mr Collins agreed. He said, whilst it was his role was to enforce the law, he was very passionate about keeping people safe. He said he would support any measures that kept people safe.

He explained that for festivals to have front of house testing, the festival must first agree to such a measure, and then obtain a Licence from the Home Office for such testing. The Home Office had not shown any willingness to introduce such licensing at festivals. However, he believed organisations such as the Loop would welcome the opportunity to operate in festivals.

Members suggested that maybe the Government needed to be lobbied to grant licences to organisations such as the Loop to operate in festivals.

The Senior Licensing and Business Support Officer was invited to comment on points which had been made during the discussion. He reminded members that it was only possible to add conditions to a Premises Licence in the event of a Review of the Licence.

Secondly, he reminded Members that the decision to introduce front of house drug testing at festivals would need to be made by the festival organisers as they would need to invite the testers on site. He recommended that organisers be approached in the first instance prior to making contact with the Home Office.

However, Members were keen to take action straight away.

Councillor Shannon Brooke said she would be happy to volunteer to lobby the Home Office. She further offered to forward to Members some in-depth research she had carried out into the topic of front of house drugs testing at festivals.

Members discussed whether the Premises Licence held by Glastonbury Festival could be reviewed based on the following licensing objectives; public safety and the protection of children from harm.

The Officer reminded them that there needed to be evidence to call a Review that the Licence conditions had been breached.

Members requested that the topic of front of house drug testing at festivals be added to the next meeting of the Licensing Board.

In the meantime, the Officer agreed to discuss the issue in more detail outside of the meeting with Councillor Francis Hayden, Simon Carswell and Councillor Shannon Brooke.

	<p>The Senior Licensing and Business Support Officer said the Council should be mindful that licence fee was a set amount. No more could be charged.</p> <p>Some Members said the Mendip District Council taxpayers should not be unduly burdened with paying to help resolve the problem.</p> <p>The Chair thanked Mr Collins for his contribution to the meeting. He said it had been a very stimulating and useful debate.</p> <p>RESOLVED:</p> <p>That the presentation and discussion be noted.</p>	
7	<p>Approval of Amendments to the Mendip District Council Taxi Policy</p> <p>The Licensing and Business Support Officer was invited to present a Report which sought approval for the following amendments to the Mendip District Council Taxi Licensing Policy:</p> <ol style="list-style-type: none"> 1. To amend paragraph 3.16 2. To remove Annex 13 from the Policy <p>Both amendments to the Policy related to CCTV / dashcams in a licensed vehicle.</p> <p>In the interests of simplifying the Council's stance and information regarding CCTV / dashcams in licensed vehicles it was proposed that Paragraph 3.16 of the Policy be replaced with the following:</p> <p>3.16 Closed Circuit Television Cameras (CCTV) and Dashcams</p> <p>3.16.1 The use of CCTV in licensed vehicles can provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers by:</p> <ul style="list-style-type: none"> • deterring and preventing the occurrence of crime; • reducing the fear of crime; • assisting the police in investigating incidents of crime; • assisting insurance companies in investigating motor vehicle accidents. 	Phil Wake

3.16.2 The installation of CCTV or dashcams in licensed vehicles is not mandatory, therefore the Authority is not the data controller. If CCTV / dashcam facilities are installed in a licensed vehicle, the proprietor will be responsible for ensuring the system conforms to the Data Protection Act and other relevant legislation, such as displaying the necessary informative notices for passengers. Proprietors must take into consideration the guidance issued by the Information Commissioners Office.

3.16.3 All footage should be retained for a period of 28 days from the date of capture. The data controller must upon written request provide any footage to an investigating Authority.

3.16.4 If an audio recording function is available, it must only ever be used in exceptional circumstances and switched off at all other times. Audio recording can be triggered by a switch or button and all persons in the vehicle must be made aware that audio recording has started.

It was also proposed that Annex 13 within the policy be removed in its entirety as there was now a link to the ICO Guidance contained within Paragraph 3.16.2. The information on the link would be updated as and when necessary, this would then remove the need for the Authority to update the Policy to include any changes. The information detailed what vehicle proprietors should do to ensure compliance with the various pieces of legislation involved with CCTV / Dashcams.

During the discussion that followed the Officer explained all licenced drivers would be made aware of the update via the usual notifying systems which included text messages.

Members were concerned that the Council should not be absolving itself of its responsibility.

The Officer explained that a survey had been carried out to enquire as to how many taxis had CCTV and Dashcams installed. He said correct and safe installation of the equipment would be checked at the vehicle inspections which were carried out twice a year. Officers agreed to add a check that the correct notification was given in each taxi with such equipment installed.

The Senior Licensing and Business Support Officer said drivers were referred to the ICO guidance because they were the experts in the field, and this aligned with the other Councils in Somerset going forward. Members noted that

	<p>the guidance referred to both CCTV and Dashcam equipment in the same document and so the Council had done the same.</p> <p>It was noted that some authorities were making the installation of CCTV and Dashcams in taxis mandatory. However, if they did this the Council became the Data Controller.</p> <p>Councillor Francis Hayden proposed that the recommended change to the Taxi Policy be approved. This was seconded by Councillor Bente Height and carried unanimously.</p> <p>RESOLVED:</p> <p>To approve the amendment to Paragraph 3.16 of the Taxi Licensing Policy and the removal of Annex 13 from the Policy.</p> <p>These changes should be made with immediate effect.</p>	
8	<p>Licensing Update</p> <p>The Senior Licensing and Business Support Officer was invited to present a report which set out the licensing activity, between 1 April 2022 to 30 September 2022.</p> <p>During these months, the team had dealt with a total of 1129 licence applications, which consisted of 765 new applications/variations, 330 renewals/transfers and 34 replacement/change of details.</p> <p>The Officer gave detail of each of the new premises applications, along with detail of the applications for variations and the occasions where representations and objections had been received.</p> <p>In other business the Officer set out detail of meetings of the Licensing Sub Committee, joint visits and training sessions which had been held during the period.</p> <p>During the discussion that followed Members congratulated the team on their proactive approach.</p> <p>One Councillor suggested that the public should be encouraged to ask to see a licence whenever they used such services as dog breeders and skin piercers.</p> <p>Members noted that some licences lasted for 3 year and so</p>	Jack Godley

	<p>would not be on the list each year.</p> <p>The Officer confirmed that unlicensed street traders would be visited and given a letter explaining they should cease trading forthwith. Officer would work weekends if necessary to prevent unlicensed street traders from popping up.</p> <p>There was a discussion about how betting establishments would help prevent gambling addiction. However, it was noted that Mendip had not been made of aware of any serious concerns of this nature in the district.</p> <p>The whole Licensing Board thanked the Licensing Team for their work.</p> <p>RESOLVED:</p> <p>That the update be noted.</p>	
<p>9</p>	<p>Urgent Business</p> <p>Members were thanked for their ongoing support of the licensing service, including the occasions they were called upon to sit on Licensing Sub Committee hearings.</p>	

The meeting finished at approximately 8.05 pm.