



# Notes of evidence

Name of meeting

**POLICY COMMISSION FOR SAFER COMMUNITIES**

Date and time

**THURSDAY, 3 JANUARY 2007 AT 6.00 PM**

Venue

**COMMITTEE ROOM ONE, COUNTY HALL, NEWPORT**

Commission

Cllrs David Williams (Chair), Henry Adams, Mike Cunningham, Heather Humby, Susan Scoccia, Margaret Webster and Jilly Wood

Cabinet

Cllr Diana Tuson

Cabinet Secretary

Other Councillors

Officers Present

Louise Biggs, Overview and Scrutiny Team  
Laura Gaudion, Solicitor, Legal Services  
Warren Haynes, Environmental Health Manager  
Stuart Love, Director of Environment and Neighbourhoods

Stakeholders

Apologies

**1. Notes of Evidence**

1.1 The notes of evidence from the meeting held on [22 November 2007](#) were agreed

**2. Declarations of Interest**

2.1 None received

**3. (a) To receive an update on evidence gathered on the Isle of Wight Act (The Act) enquiry so far.**

3.1 Cllr Williams informed the commission that the lead members on the enquiry had spoken to Solo (who organise the Isle of Wight Festival), Loud Sound (who organise Bestival) and the Environment Agency. The main views received on the enquiry had been:

3.1.1. Organisers did not greatly object to the idea of the Act and to be being charged in general. However, it was highlighted that the levy made by the Police was fairly high compared with other charges.

- 3.1.2. It was also noted by the organisers that whilst the organisers paid for the police presence outside the venue, they had little influence over the nature of the policing: sometimes the police and the promoters had slightly different priorities. In other areas of the country there was some debate between event organisers and police about the areas of criminal activity which presented the greatest risk.
- 3.1.3. Reference was made to the Reading Festival Limited vs. West Yorkshire Police Authority ruling, whereby the promoter was found not to be liable for costs of policing a festival off-site, as these did not constitute 'special police services' as defined under the Police Act 1996.
- 3.1.4. Event organisers felt that The Act was a replication of the Licensing Act and increased the cost of holding events on the Island, which disadvantaged the Island's economy.
- 3.1.5. Some concern was expressed about the volume of river traffic during the IW Festival weekend, particularly on the Sunday evening. The Environment agency commented the river is getting busier each year and there is potential for damage to the riverbanks if this continues.

**(b) To receive a presentation on The Act from Laura Gaudion, Legal Services.**

- 3.2 The Act was brought into being in the early 70's in light of the strain on the Island's infrastructure as a result of the festivals held in the late 60's and early 70's. No other legislation existed at that time to tackle this issue. The Act is discretionary.
- 3.3 Section 5 of The Act covered all events held in the open air attended by more than 5000 people. There is no exemption for charities, although the scouts are allowed to hold large events without submitting a notice.
- 3.4 Large-scale television screenings of, for example football matches, would come under the Act also.
- 3.5 The Act required prior notice from organisers. And the council needed to grant permission for the event to go ahead.
- 3.6 Once notice had been received that an organiser wished to hold an event, the council will then submit a counter-notice within 28 days. The Council can reject the notice without reason, reject with reasons, agree without conditions, or agree with conditions. In practice it was unlikely that the council would reject without reasons or agree without conditions.

- 3.7 Once it has submitted its counter-notice, the council will have consulted with several other authorities, e.g. the Police, Fire and Rescue, Environment Agency, Highways Authority etc, and all these different consultees can add conditions, or indeed conditions may be pooled between authorities.
- 3.8 There were some automatic grounds for refusing an application, and there was also provision within the Act for works to be carried out in default.
- 3.9 Charges for any 'extra' services that may be 'reasonably' required: could be made to organiser from any one or all of the consulted authorities. The Act required the Council to Act as a broker for these other authorities.
- 3.10 Any conditions set out in the counter-notice must have related to:
  - 3.10.1. Water supply
  - 3.10.2. Sanitary conditions
  - 3.10.3. Public Order
  - 3.10.4. Public Safety
  - 3.10.5. Prevention of actionable nuisance
- 3.11 Any public order conditions must have had the consent of the chief constable. Conditions must be: relevant, enforceable and clear.
- 3.12 There was an appeal mechanism if the organiser was not happy with any of the conditions. The Crown Court dealt with appeals. Appeals lodged under the Licensing Act would fall within the Magistrates Court.
- 3.13 The overall procedure for application for The Act for an events was that:
  - 3.13.1. Notice of the event was given to the Council, from the organiser
  - 3.13.2. Consideration was given to the notice and other authorities consulted.
  - 3.13.3. The pooled conditions were reviewed
  - 3.13.4. Specific conditions were provided by consulted authorities.
  - 3.13.5. The costs of the event were collated.
  - 3.13.6. The notice was then served alongside an advisory leaflet and if there was no appeal then the notice became effective.

- 3.14 There were significant differences between the Licensing Act 2003 and the Isle of Wight Act, with the two acts acting in a complimentary way.
- 3.15 The cost of transport to the Island meant that holding an event here was more expensive than holding it on the mainland. The Act also made some difference to cost, but this was minimal as certain authorities, for example the local constabulary would be able to charge for extra services under the Police Act 1996
- 3.16 The only justification for repealing the Act would be if it was no longer of practical use.
- 3.17 The process for repeal would have been a lengthy one. It would not be until at least 2012 where it could be dealt with alongside other pieces of legislation to be repealed.
- 3.18 The estimated total cost of repealing an Act of Parliament, which would be through a Private Members Bill, was around £100,000. This figure could be up to four times higher if the bill was opposed.
- 3.19 Representatives from other Local authorities, who attended a seminar held on the Island in September 2007, agreed that they would like a county act similar to the Act in order to control assemblies more effectively than at present.
- 3.20 In the event of an incident occurring at an event, the Council would endeavour to be proactive in sorting out the problems, rather than apportioning blame.
- 3.21 Improved traffic management for next year's festivals was highlighted as a key area of work, and was being taken forward by the Director for Environment and Neighbourhoods.
- 3.22 The economic advantages of holding events on the Island must not be forgotten when considering the Act.

**The meeting closed at 7.40 pm**