

MINUTES

of the

LICENSING COMMITTEE HEARING

held on 28th March 2024 at 2pm

Present:

Councillor R. Lee (Chair of Hearing)

Councillors A. Davidson, J. Frasca and S. Rajesh

1. **Apologies for Absence**

No apologies for absence were received.

2. **Declaration of Interests**

All Members were reminded to declare any Disclosable Pecuniary interests or other registerable interests where appropriate in any items of business on the meeting's agenda. None were made.

3. **Minutes**

The minutes of the meetings held on 18th and 20th March, were approved as correct records.

4. **Licensing Act 2003 – Application for Three Temporary Event Notices – Wheelers Farm, Wheelers Hill, Little Waltham, Chelmsford, Essex, CM3 3LZ**

The Committee considered three Temporary Event Notices, made under Section 100 of the Licensing Act 2003 and had regard to the representations made by Essex Police and Environmental Services during the consultation period. These related to the promotion of the below Licensing objectives.

- a) The prevention of crime and disorder
- b) Public safety
- c) The prevention of public nuisance

The applications were for the below licensable activities:

Sale or supply of Alcohol – 13:00 – 23:00

Provision of Regulated entertainment 13:00 – 23:00

It was noted by the Committee that the three applications had been submitted at the same time for three areas of the field as indicated in the plans at Appendix C. The Committee had decided to consider the three applications at the same time for pragmatic reasons, as the notices were from the same applicant, for the same field

and all three had the same objections. The Committee noted that they had three options namely;

- To allow the notices to proceed as applied for.
- To allow the notices to proceed but modified as to impose conditions.
- To issue counter notices to one or all of them.

The following parties attended the hearing and took part in it:

Applicant

- Mr Blewitt (applicant)

Objectors

- Essex Police
- Environmental Services, Chelmsford City Council

Officers informed the Committee that during the course of the applications, objections had been received from Essex Police and Environmental Services (Chelmsford City Council). The Chair advised that the written representations had been read and considered by the Committee in advance of the meeting.

The applicant addressed the Committee to summarise their applications and explained that they had initially looked to use their existing premises licence to run the event on 18th May but that when looking into this, officers had informed them this would not be possible due to not having enough time before the event to meet the 12-week condition for submitting traffic and event management plans. Therefore, they had instead looked to utilise three Temporary Event Notices to hold the event. They informed the Committee, that excluding the 12-week matter, they were happy for all of the other conditions from their newer premises licence to be added to the three Temporary Event Notices. They stated that they would be running the site under the normal licence arrangements, including the traffic management plans.

The Committee heard from those objecting to the application and the following concerns were raised;

- The applicant had circumvented the condition to supply traffic and event plans in advance by utilising Temporary Event Notices instead.
- The conditions on the actual premises licence were vital for the events to be run safely and that objections had been raised as the only way conditions could be added was via a Licensing Committee hearing.
- The conditions from the premises licence would help to ensure the safety of those attending, minimise public nuisance and with sufficient traffic management, help ensure safety for nearby roads.
- The event should be taking place under the premises licence, not three separately fenced off events with less than 499 in each area, as it was not clear how that would be managed or operated.
- It was vital that the existing premises licence conditions were added and it was unfortunate that the actual premises licence wasn't being used and that the condition to supply plan documents in advance had not been met.

In response to the concerns raised, the applicant stated that they were happy to oblige with all of the premises licence conditions, apart from the one to supply plans

10 weeks in advance. The Chair clarified at this point of the hearing, that since the Temporary Event Notices had been applied for, the premises had now been granted a new premises licence in place of the existing one. It was noted that the condition being referred to had now been reduced from a 12 week to 10 week requirement, but that it was important to note that even the new 10 week requirement for submitting plans had not been met when submitting the Temporary Event Notices.

The Committee's legal advisor also clarified at this point of the hearing, that the Committee can only attach conditions if they are on an existing premises licence. The Committee heard that in addition to the recently granted licence, there was also an older licence in place still for the site. This once included other conditions, such as the Local Authority being given 60 days notice of any events, with any proposed traffic/event management plans being agreed by the Safety Advisory Group 30 days before any event. The Committee acknowledged that these conditions had effectively been met and could continue to be met by the applicant in so far as the Safety Advisory Group agreeing plans. In response to the points raised, Essex Police and Environmental Health, acknowledged that the timeframes would still be tight, but that it would in theory be possible for the Safety Advisory Group to meet in advance of the event and consider plans. However, it was also noted that the currently submitted event plans were based on one event under the initial premises licence, rather than three adjoining smaller events and that in general, the plans lacked the detail that the Safety Advisory Group would want to see.

In response to questions from the Committee, the applicant confirmed that;

- There would be security at all three sections of the site, with clickers to ensure that no more than 499 people were present within any of the individual sections.
- They were not planning on applying for further Temporary Event Notices and that if it had been possible this event would have been one of the six on their premises licence instead. The Committee's legal advisor clarified that this could not be conditioned by the Committee and in theory there could be further Temporary Event Notices submitted in the future (up to a maximum of 15) leading to substantially more than six event days on the site. It was noted however that the applicant had confirmed that they would not be doing this and in effect a gentleman's agreement would be in place to stop this happening.
- The event would have around 1000 attendees including staff, to ensure that it was easier to keep the numbers in each section under 499 each and gated fencing would be used in-between each of the three licensed areas.
- No other TEN applications would be submitted for large scale festival type events, but may be utilised for weddings or other small events such as charity events, but these were often for under 200 people.

In response to questions from the Committee, those parties who had objected to the notices, Essex Police and Environmental Health confirmed that;

- If granted, with the existing 30 day requirement for plans to be agreed by the SAG, it would be tight time wise for this to be met, but if new plans were very quickly submitted by the applicant then it could be possible. It was noted that documents had to be sent to SAG members and then considered at a SAG

meeting and this was why the 12 week and now 10 week conditions had been placed on the relevant premises licences.

- The Licensing Team could be invited to the Safety Advisory Group meeting.

The Committee thanked those present for their input and advised that the decision would be made during the deliberation after the meeting. It was noted that due to the remote nature of the meeting, the decision would be circulated to all parties within a few working days via email.

RESOLVED that the Director of Public Places be authorised to grant the notices with imposed conditions.

STATEMENT OF CONDITIONS

Notes:

- 1) The conditions set out below, with the exception of conditions 8 and 9, are imposed on the existing premises licence 21/00207/LAPRE. Conditions 8 and 9 are imposed on the existing premises licence 24/00006/LAPRE.
- 2) The term “licence holder” in these conditions should be read as referring to the premises user under this temporary event notice i.e. Matthew Blewitt.
- 3) The terms “licensed premises” and “premises” should be read as referring to the land to which the temporary event notice is applicable.

The conditions are:

1. The licence holder will ensure that music or amplified sound from the event (including any concert, music performance, film showing, side show, display, or any other entertainment within the licensed area) is not audible outside the boundary of the site between 2300 hours and 1100 hours.
2. The licence holder shall appoint a suitably qualified and experienced noise control consultant who is a member of the Institute of Acoustics and/or the Association of Noise Consultants to produce and fully implement a noise management plan (NMP).
3. The Music Noise Level (MNL) shall not exceed, at any noise sensitive location, the representative background noise level by more than 15dB(A) over a 15- minute period throughout the event and during any rehearsal or sound check for the event.

The representative background noise level should be measured and calculated as per the guidance contained within the 'Code of Practice on Environmental Noise Control at Concerts' (the arithmetic average of the LA90, 1 hour for the final four hours of the period to be determined) at

locations representative of the nearest noise sensitive receptors to be agreed with Chelmsford City Council.

4. A Low frequency music noise control strategy shall be included as part of the NMP and shall be submitted to, and approved in writing by Chelmsford City Council, prior to the commencement of any event.
5. The appointed noise control consultant will regularly monitor noise from events at noise sensitive locations around the site and advise their sound engineers accordingly to ensure MNL limits are not exceeded. Chelmsford City Council will be permitted access to this information on request. The noise sensitive locations will be agreed with Chelmsford City Council prior to the commencement of any event.
6. The licence holder shall provide Chelmsford City Council, in advance of the event, contact telephone numbers of their appointed noise control consultant and other members of their management team who can be contacted in the event noise complaints are received.
7. During any event, the licence holder will ensure there is a dedicated and continuously manned complaint telephone line that will be advertised to the public so that residents can contact organisers in the event they are disturbed by noise.
8. The licensing authority must be notified of all events within 60 days before the date of the event together with any proposed Event Management Plan.
9. An Event Management Plan to be agreed with the Safety Advisory Group (SAG) 30 days before any event or with Essex Police if the SAG decide that they do not need to be consulted.
10. Free potable water must be provided on request to customers where it is reasonably available.
11. Customers will not be permitted to remove from the premises any drinks supplied by the premises in open containers.
12. There shall be no events at the premises that are organised, promoted, or advertised by an external promoter (i.e., by an

individual / organisation not directly related to the management of the premises).

13. An incident log shall be maintained and made immediately available to police or licensable authority staff upon reasonable request. The log must be completed as soon as possible and shall record the following:

- (a) All crimes reported to the venue;
- (b) All ejections of patrons;
- (c) Any complaints received concerning crime and disorder;
- (d) Any incidents of disorder;
- (e) All seizures of drugs or offensive weapons.

14. SIA licensed security staff shall be used in accordance with a site security plan which will form part of the event management plan and a record shall be maintained (on the premises) which is legible and details:

- (a) The day and date when door supervisors are deployed;
- (b) The name and SIA registration number of each door supervisor on duty at the premises;
- (c) The duty start end time for each door supervisor.

This record shall be retained for 31 days and be immediately provided to police or licensing authority staff upon reasonable request.

15. The premises shall have in place and operate a zero-tolerance policy with regard to the use/possession of controlled drugs and psychoactive substances and advertise the same within the premises on posters and similar means. This policy may form part of the Event Management Plan.

This policy shall specifically include but not be limited to:

- (a) Searching practices upon entry;
- (b) Dealing with patrons suspected of using drugs on the premises;
- (c) Scrutiny of spaces including toilets or outside areas;
- (d) Clear expectations of staff roles;
- (e) Staff training regarding identification of suspicious activity and what action to take;
- (f) The handling of items suspected to be illegal drugs or psychoactive substances;

- (g) Steps taken to discourage and disrupt drug use on premises;
- (h) Steps to be taken to inform patrons of the premises drug policies / practices;
- (i) Patrol of perimeter (Haras) fencing to deter drug supply.

16. A Challenge 25 scheme shall be operated, whereby any person who appears to be under the age of 25 years of age is required to produce on request an item which meets the mandatory age verification requirement and is one of the following:

- (a) Proof of age card bearing the PASS Hologram;
- (b) Photocard driving licence;
- (c) Passport; or
- (d) Ministry of Defence Identity Card.

17. The premises shall clearly display signs at each point of sale and in areas where alcohol is displayed advising customers that a 'Challenge 25' policy is in force.

18. All staff engaged in the sale or supply of alcohol on the premises shall have received training in relation to including under age sales, how to recognize drunkenness and the duty not to serve drunk persons.

19. Training records shall be maintained and kept for a minimum of 12 months and made available to police or licensing authority staff upon reasonable request.

20. A refusals record shall be maintained at the premises, which details all refusals to sell alcohol. Each entry shall, as a minimum, record the date and time of the refusal and the name of the staff member refusing the sale. All entries must be made as soon as possible and in any event within 4 hours of refusal and the record must be made immediately available to police or licensing authority upon reasonable request.

21. The licence holder will ensure a full stewarding plan and evacuation plan will be prepared as part of the Event Management Plan.

22. CCTV cameras shall cover all entrances and exits to the event.

23. All drinks will be dispensed in either plastic bottles or collapsible cups or containers, no glass vessels to be used, and the sale of

glass bottles for Champagne, sparkling or premium wines will be allowed only in a dedicated security-controlled area which will be detailed in the Event Management Plan.

24. The licence holder will ensure the perimeter of the licensed area will be securely fenced and cordoned off to enable the licence holder to safely control the event.
25. The licence holder will ensure vehicle movement in the licensed area will be kept to a minimum for essential vehicles only.
26. In addition to water, other non-alcoholic beverages shall be available at all times whilst alcohol sale or supply takes place.
27. The land in the immediate vicinity of the lake is to be cordoned off to ensure no patrons can access that area during events. Plans to cordon off the lake must be included within the Event Management Plan.

Cllr Richard Lee
Chair of Licensing Committee
on behalf of the licensing authority
Dated: 05 April 2024

Informative

1. The Committee has imposed the above conditions pursuant to section 106A(1) & (2) of the Licensing Act 2003. In determining whether it is appropriate for the promotion of the licensing objectives to impose such conditions the Committee had regard to the fact that this particular temporary event notice fell to be considered in the context of the two other temporary event notices for the carrying out of identical licensable activities simultaneously on adjacent areas of land. The cumulative affect of these three temporary event notices would be to allow the carrying out of licensable activities which would mirror those permitted under existing premises licence 24/00006/LAPRE. (The applicant himself had also intimated at the hearing that he accepted the need for such conditions and was agreeable to their imposition.)

2. In the light of existing premises licence 24/00006/LAPRE and in particular the reasons underlying the imposition of condition 1 in Annex 2 of such licence (which restricts the number of events to no more than six per year and also imposes staggered capacity limits) the Committee would normally have considered it appropriate for the promotion of the licensing objectives to serve a counter notice preventing the proposed temporary event from taking place. However, the Committee had been swayed by Mr Blewitt's assurance that he was using the temporary event notice option to enable him to hold an event which would have been permitted under the premises licence were it not for the fact that he was just out

of time (by a few days) for complying with the submission of an event management plan condition contained within premises licence 22/00152/LAPRE (which had been surrendered the day before the hearing). The temporary event notice was intended to permit an event which would take the place of one of the six permitted events under premises licence 24/00006/LAPRE. Furthermore, Mr Blewitt had assured the Committee that there would be no further temporary event notices for licensable activities which would mirror those permitted under existing premises licence 24/00006/LAPRE. Any future temporary event notices would be for small scale events e.g., weddings / 200 people.

3. The Committee would reiterate the guidance contained within paragraphs 7.34 and 7.35 of the licensing guidance issued by the Secretary of State under section 182 of the Licensing Act 2003. Whilst the content of the Event Management Plan was for SAG (or Essex Police) to agree (see condition 9 above) it was of paramount importance that measures were in place to ensure that at no time did the number of people (staff included) within the area licensed by virtue of the temporary event notice exceed 499. Because of the two adjacent areas also being used simultaneously for licensable activities under temporary event notices there was a risk of migration from one area to another which (unless closely monitored and regulated) could result in the 499-capacity figure being exceeded. If this occurred, the licensable activities would fall outside the remit of the temporary event notice and would be unlawful. The Committee considered that the only way this could be avoided was for the areas to be cordoned off (to avoid uncontrolled migration) and for there to be clearly defined entrance / exit point with stewards in place and counters used.

The meeting closed at 2.53pm

Chair