

MINUTES

of the

LICENSING COMMITTEE HEARING

held on 20 May 2022 at 11am

Present:

Councillor L.A. Mascot (Chair of Hearing)

Councillors, D.J.R. Clark, A.E. Davidson and D.G. Jones

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. Cllr Jones withdrew from the hearing at this point as he knew one of the other participants.

3. **Minutes**

The minutes of the meetings on 25 February 2022 were agreed as a correct record and signed by the Chair.

4. **Licensing Act 2003 – Application for a new premises licence – Regala Properties Limited, 1 Wheelers Farm, Wheelers Hill, Little Waltham, Chelmsford, Essex, CM3 3LZ**

The Committee considered an application for a new premises licence made under Section 17 of the Licensing Act 2003 and had regard to the representations made 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
- d) The protection of children from harm

The application was for the below licensable activities:

Sale or supply of Alcohol: Saturday and Sunday 13:00 - 23:00

Regulated Entertainment: Saturday and Sunday 13:00 - 23:00

Exhibition of a Film: Saturday and Sunday 13:00 - 22:00

Performance of Live Music : Saturday and Sunday 13:00 - 23:00**Late Night Refreshment: Saturday and Sunday 13:00 - 23:00**

The Committee were informed that the representation from Environmental Health Services had been withdrawn. The Committee also noted that conditions had been agreed between the applicant and the other responsible authorities. These conditions were detailed in the agenda pack.

It was noted by the Committee that there were three options namely;

- Grant the application, on the terms and conditions applied for
- Grant the application, on the terms and conditions applied for, modified to such extent as considered appropriate to promote the licensing objectives.
- Refuse the application in whole or in part.

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

Applicant(s):

- Mr Matthew Blewitt
- Mr Gethan Burgess (Legal Representative)

Objectors:

- Gordon Ashford (Essex Police)
- Little Waltham Parish Council
- Seven local residents

The Chair advised that the written representations had been read and considered by the members of the Committee in advance of the meeting.

The applicant's legal representative addressed the Committee and reminded them of the wide ranging conditions that had been agreed with the responsible authorities in advance of the hearing. It was noted that these would lead to an event on a much smaller scale to initially applied for, with only six event days and a maximum capacity of 1500 attendees.

The representative from Essex Police also addressed the Committee. They informed the Committee that as previously stated, they had agreed conditions with the applicant and the other responsible authorities. It was noted by the Committee that they had not withdrawn their representation and had maintained it so they could assist the Committee and reassure the public about the conditions being proposed. The Committee heard that the conditions were very stringent and stronger than those imposed on the other existing licence. It was noted that previous events at the site had caused considerable issues but it was felt these conditions would help to prevent future issues. The Committee was also reminded that the old licence was still active but the landowner had made this new application to be utilised instead. It was noted that Essex police felt this was the best outcome achievable in terms of preventing future issues and if it was refused then the old licence could be used instead. Essex Police confirmed that they would be happy with the licence being granted with the conditions proposed. It was also confirmed to the Committee that

as it was a private event, Essex Police would not provide additional resources to the site.

The Committee also heard from a Parish Councillor at Little Waltham Parish Council. The Committee were informed that the Parish Council were making strong representations against the application on behalf of their local residents. It was noted that many residents were vulnerable and elderly and the previous events had destroyed residents' weekends, with long hours of loud music and other disruption. The Committee heard the previous events had been both unpleasant and obtrusive and despite this application being reduced to six days, it would still have a considerable impact. The Parish Council asked the Committee to protect their interests and noted that however detailed a traffic management plan could be, it would not be sufficient. The Parish Council also felt the applicants did not have the managerial capacity to run events on the site, which they felt was simply unsuitable for large events.

The Committee also heard from local residents, who had made representations against the application, who made the following points;

- The previous events on the site had caused significant issues for residents.
- The site was not suitable and the previous events had contributed to significant road safety and other public safety issues.
- The noise from the events would have a major impact on the ability of local residents to enjoy their gardens in the summer.

The site was not conducive to promoting the four Licensing objectives and the Committee should strongly consider rejecting the licence in whole.

The Committee were provided with some further information by the applicant at this stage of the hearing and noted that;

- The first two events would be capped at a 500 capacity to ensure everything would run correctly.
- The larger field would be used for parking and communication had already been made with local taxi companies about the events.
- Ticket sales would be online only.
- The audio setup was on a much smaller scale to previous events, and the noise monitoring facilities were available for responsible authorities to use.
- The previous licence would not be used and the site would not be used by those who run the previous events.
- Various conditions had been agreed, including limiting the site to only six events per year.
- The capacity was for 1500 attendees per event, with pre booked tickets and no external promoters.

In response to a question from the Committee, officers clarified that the existing licence would continue in any event, unless a review was called and it was revoked. It would however be academic as the landowner has stated they would not allow it to be used.

At this point of the meeting, the Committee retired to deliberate. 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.

The Committee gave careful consideration to the relevant representations both written and made in the course of the remote hearing.

RESOLVED that the Director of Public Places be authorised to grant the application subject to the imposition of the conditions proposed by Essex Police and Chelmsford City Council's Environmental Protection Services / Public Health & Protection Services. These conditions are set out (and numbered 1 to 30) in the document headed "Conditions agreed in principle by the applicant with: Essex Police, Chelmsford City Council Environmental Protection Service and Chelmsford Public Health & Protection Services" which was circulated by Essex Police prior to the hearing and considered in the course of the hearing and is available as Appendix 1 to this decision notice.

Reasons for Decision

The Committee had given careful consideration to all representations, including the concerns put forward by Essex Police, Little Waltham Parish Council, and local residents. In reaching its decision the Committee was mindful of its statutory duty to take such steps as it considers appropriate for the promotion of the licensing objectives.

The Committee noted that the concerns of Essex Police and others were referable in part to incidents arising from events held at Wheelers Farm on the 24 September and 04 December 2021. These incidents had led to Essex Police calling for a statutory review of the licence under which those events were held. The review had resulted in the Committee seeing fit to impose stringent conditions cutting back on the scope of that licence. Since the review no further events had been held under that licence and Essex Police were correct in their assertion that these conditions had not been tested.

However, the Committee was duty bound to focus on the particular application which was before it, rather than revisit its review of the licence currently held.

The Committee considered that the proposed conditions referred to above, which had been agreed by the applicant with Essex Police etc, were extremely stringent and radically cut back the scope of the licence as originally applied for. (They were also more stringent than those imposed on the review of the existing licence.)

In particular, the Committee noted that –

- *Proposed condition no. 1 would limit the scope of the licence to licensable activities held between the 30 April and 31 October in any given year.*
- *Proposed condition no. 2 would mean that licensable events were limited to six times a year, with none exceeding 13 hours in duration.*
- *Proposed condition no. 5 would limit the number of patrons at any event to 1,500.*
- *Under proposed condition no. 7 no event could take place if, within 6 weeks of submission by the applicant of a traffic management plan, Essex Police, the Licensing Authority, or Essex County Council Highways were to lodge an objection to such plan and any such objection was not withdrawn.*
- *Proposed conditions nos. 24 – 30 imposed comprehensive limitations and monitoring aimed at preventing noise nuisance.*

In the circumstances, the Committee was satisfied with the steps that the applicant proposed to promote the licensing objectives - and that it was therefore appropriate to authorise the grant of the licence, subject to the proposed conditions referred to.

Appendix 1**Conditions agreed by the applicant with: Essex Police, Chelmsford City Council Environmental Protection Service and Chelmsford City Council Public Health & Protection Services.**

Agreed with Essex Police – Appendix I (pages 63 -65 of the Agenda Bundle)

1. The licence shall be time limited and authorise licensable activities only between the dates of 30th April and 31st October annually.
2. The licence shall not authorise licensable activity more than six times a year (none of which shall exceed 13 hours in duration).
3. Customers will not be permitted to remove from the premises any drinks supplied by the premises in open containers.
4. The sale of alcohol for consumption off the licensed premises will be restricted to those persons temporarily residing in land adjacent to the licensed premises (i.e. tents and other temporary structures supplied or permitted to be erected by the licence holder on land occupied or controlled by the licence holder).
5. The number of patrons at any event shall not exceed 1,500.
6. 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)
7. A traffic and event management plan shall be submitted to the Licensing Authority, Business Compliance Team at Chelmsford City Council, Essex Police and Essex County Council Highways at least 12 weeks prior to any planned event and licensable activity shall not take place if any of these object to the traffic management plan in writing within 6 weeks of submission and that objection is not rescinded. (The Business Compliance Team are included to assess if the premise licence holder has considered the hazards, assessed the risks and has therefore put adequate controls in place to protect the health and safety of the public).
8. An incident log shall be maintained and made immediately available to police or licensing authority staff upon reasonable request. The log must be completed as soon as is 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
9. 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; and
 - c) The duty start and 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.

10. All security staff (and stewards) will wear high visibility clothing ensuring that they are readily identifiable.

11. 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:

- i. Searching practices upon entry;
- ii. Dealing with patrons suspected of using drugs on the premises;
- iii. Scrutiny of spaces including toilets or outside areas;
- iv. Clear expectations of staff roles (including the DPS, managers/supervisors and door supervisors);
- v. Staff training regarding identification of suspicious activity and what action to take;
- vi. The handling of items suspected to be illegal drugs or psychoactive substances
- vii. Steps taken to discourage and disrupt drug use on the premises
- viii. Steps to be taken to inform patrons of the premises drug policy/practices
- viiii. Patrol of perimeter (Haras) fencing to deter drug supply

12. 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 either a:

- Proof of age card bearing the PASS Hologram;
- Photocard driving licence;
- Passport; or
- Ministry of Defence Identity Card.

13. 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.

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

15. 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.

16. 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 the refusal and the record must be made immediately available to police or licensing authority staff upon reasonable request.

17. The licence holder will appoint a competent security/stewarding contractor with expertise in the operation of security and stewarding of large-scale outdoor events. The security/stewarding contractor will ensure there are the correct number of SIA registered security staff at the event. Full details will be contained within the EMP.
18. The licence holder will ensure a full stewarding plan and evacuation plan will be produced as part of the EMP.
19. CCTV cameras shall cover all entrances and exits to the event.
20. 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/Alcohol Management Plan and on the Site Plan each year.
21. 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.
22. The licence holder will ensure vehicle movement in the licensed area will be kept to a minimum? for essential vehicles only.
23. In addition to water, other non-alcoholic beverages shall be available at all times whilst alcohol sale or supply takes place.

Agreed with Chelmsford City Council Environmental Protection Services
(Appendix G page 60 of the Agenda Bundle)

24. 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.
- X. Licensable activities will only take place over a maximum of 6 days in any calendar year (Fully duplicates police agreed condition number 2)
25. 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).
26. For up to 3 event days in a calendar year the Music Noise Level (MNL) should not exceed, at any noise sensitive location, 65dB(A) LAeq over any 15-minute period throughout the event and during any rehearsal or sound check for the event. For any other event days within a calendar year the MNL from any event 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.

27. 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.

28. 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.

29. 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.

30. 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.

Chair