

Licensing Committee Agenda

HEARING TO CONSIDER AN APPLICATION FOR TEMPORARY EVENT NOTICES

This meeting will consider only licensing matters delegated under the Licensing Act 2003

28th March at 2pm

Remote Meeting

MEMBERS OF COMMITTEE INVITED TO ATTEND HEARING

Councillor R. Lee (Chair)

and Councillors A. Davidson and J. Frascona

Local people are welcome to attend this meeting remotely, where your elected Councillors take decisions affecting YOU and your City. If you would like to find out more, please telephone Dan Sharma-Bird in the Democracy Team on Chelmsford (01245) 606523 or email dan.sharma-bird@chelmsford.gov.uk.

Licensing Committee

28th March 2024

AGENDA

1. Apologies for Absence

2. Declaration of Interests

All Members are reminded that they must disclose any interests they know they have in items of business on the meeting's agenda and that they must do so at this point on the agenda or as soon as they become aware of the interest. If the interest is a Disclosable Pecuniary Interest they are also obliged to notify the Monitoring Officer within 28 days of the meeting.

3. Minutes

To consider the minutes of the meetings on 18th and 20th March 2024.

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

MINUTES

of the

LICENSING COMMITTEE HEARING

held on 18 March 2024 at 11:36am

Present:

Councillor R. Lee (Chair of Hearing)

Councillors D. Clark, A. Davidson, and P. Wilson

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.

3. **Minutes**

The minutes on the 12th December 2023 meeting was approved as a correct record.

4. **Licensing Act 2003 – Application for a review of a Premises Licence – 122 Springfield Road, Chelmsford, CM2 6LF**

The Committee considered an application for a review of the premises licence relating to Mosaic, 122 Springfield Road, Chelmsford, Essex, CM2 6LF pursuant to section 51 of the Licensing Act 2003 made by the Home Office. The application was made on the grounds of the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm.

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

1. To modify the conditions of the licence either permanently or for a period not exceeding three months.
2. To exclude a licensable activity from the scope of the licence, either permanently or for a period not exceeding three months.
3. Remove the Designated Premises Supervisor
4. To suspend the licence for up to three months
5. Revoke the licence

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

Applicants

Home Office Mr Davis

Licence Holder

Mr A Killic (manager of Mosaic and the owner of Mercimek Ltd)

Mr M Killic (licence holder and designated premises supervisor (DPS) of Mosaic)

Mr Hopkins (representative)

Supporting Application

Essex Police: Ronan McManus

The Chair advised that the written representations had been read and considered by the Committee in advance of the meeting. It was also advised that there had been additional emails sent just before the meeting in which was confirmed received by everyone present.

The Chair invited the Home Office, who had applied for the review to present their case to the Committee. They informed the Committee that they visited the premises on 29th June 2023, after receiving intelligence of illegal working taking place. They had found two alleged illegal workers in the premises, one in the kitchen behind the “Just Eat” terminals / staff area and the other also in the kitchen, washing dishes. They had also discovered the latter’s belongings in one of the rooms downstairs (in the basement) The room in question was one of two rooms in the basement which appeared to be used as living accommodation. It was also advised that there had been a recent pattern of offences in relation to illegal employment throughout areas in Essex.

The Committee were informed that revocation of the premises licence had been sought to prevent illegal working taking place in licensed premises and to protect children from harm. The Home Office officers stated that the guidance detailed that in a case such as this, revocation should be considered.

Essex Police, who had supported the application, informed the Committee that they would have also requested a review if the Home Office had not done so and supported the request for a revocation. It was stressed that illegal employees would have not likely have access to worker’s rights and usually received low minimum wage. It was also noted that this could be a form of trafficking. There should have been due diligence on the licence worker and that the procedures should be robust and enshrined.

The Chair invited the licence holder, the company owner, and their representative to address the Committee. The representative introduced the manager and the licence holder of Mosaic. It was advised that the company owner had a chain of takeaway premises including in Braintree, Basildon, and Havering, and Members were advised of their spotless record with the authorities and have not received any civil penalties before. It was noted that the visit by the Home Office officers commenced in 29th June 2023 but it had taken this long to apply for a review. It was reiterated that the licence holder and the company holder did not employ the alleged illegal workers, nor did they offer any employment.

It was repeated that the one of the alleged illegal workers was a relative of the licence holder and reported to be feeling lonely and bored thus went into the restaurant. It was stated that they were only charging their mobile phone by the “Just Eat” area and talking to the staff but otherwise not doing any work. This was reiterated by the

manager of Mosaic as well as the licence holder. It was also advised that there was no evidence of the alleged illegal worker to be taking orders for delivery. It was also stated that the licence holder had offered Home Office CCTV footage showing evidence that there was no illegal work however it was alleged that this had been declined.

Regarding the other alleged illegal worker, it was advised that the licence holder had seen their asylum seeker card and was aware that they could not take on neither paid nor unpaid employment. It was noted that they were found homeless and one of the staff employed in Mosaic allowed them a place to stay in the premises and to have free food. It was suggested that this alleged illegal worker might in fact have been washing his own dishes when encountered by ICE officers. The member of staff who had allowed this individual to stay on the premises was reported to have been dismissed due to this.

Essex Police then asked if the CCTV had been retained. The licence holder representative advised that the CCTV footage was only stored for 28 days and, since they had only heard of the application to review the premises in January, the footage was now lost. Essex Police then asked the licence holder which other premises they were the designated premises supervisor for. The representative reiterated that the licence holder also was the designated premises supervisor for premises in Braintree, Basildon, and Havering.

Essex Police, turning to the Home Office officer, then asked if these premises had not come any other notice of civil penalty as advised by the representative earlier. The Home Office officer advised that there had also been an arrest of an illegal worker in the Turkish restaurant in Braintree which was also under the licence holder.

The Council's Licensing Lead Officer then advised that the team had been contacting the licence holder regarding a pavement licence as it was observed that chairs and tables were placed outside the premises. The representative and licence holder denied that there were chairs and tables on the pavement outside the restaurant however this had been refuted by the Licensing Lead Officer. The representative and the licence holder advised that they would look into the pavement licence.

The Chair then invited the Committee Members to ask questions. In response to a query regarding the decision for the Home Office to inspect the premises, it was advised that allegations would be received including concerns raised on Gov.uk website, and social intelligence would then assess these allegations. These would then be sent to operational officers who queried with the police and local authorities. There would also be a series of checks and balances to ensure that every decision made was proportional.

The Chair then asked regarding the mobile phone being charged as this detail was not mentioned in the application from the Home Office. It was advised by the representative and the licence holder that the Home Office did not speak to them about it. The Chair then asked the Home Office officer if there was a legal requirement to retain right to work records. The Home Office officer stated that it was advisable for right to work checks to be retained as these could be used as defence on civil penalties.

With reference to the proposed conditions that were sent before the meeting, the Chair then asked both the Home Office and Essex Police if they would agree to these. Both had advised that the conditions were non-descriptive and that these would be required anyway as it would repeat existing legislation. The Home Office officer emphasised that it would be up to the final decision of the Chair.

In response to the questions from the Council's legal advisor, the Home Office officer advised that there was no mention of the mobile phone charging in the interviews which were facilitated in Turkish, the alleged illegal worker's mother tongue. The representative had reiterated that this matter was not asked on the interviews and emphasised that the alleged illegal worker just arrived in the UK as an asylum seeker and was under a lot of stress. It was also reiterated that the Home Office was offered to review CCTV footage but refused. The burden of proof was on the Home Office to prove illegal employment in the premises.

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 having regard to all the circumstances including the evidence before it, the premises licence be revoked pursuant to section 52 (4) (e) of the Licensing Act 2003 as it is appropriate to take such step for the promotion of the licensing objectives (in this case, the prevention of crime and disorder).

Reasons for decision

1) Notwithstanding the licence-holder's denial and the explanations put forward by him for the two individuals in question being on the Mosaic Restaurant premises, the Committee was satisfied, on the balance of probabilities, that these two individuals were illegal workers employed at the premises at the time of the unannounced visit on the 29 June 2023 by officers from the Immigration, Compliance and Enforcement Team (ICE). In reaching this finding of fact deciding to revoke the licence the Committee has had particular regard to the following.

2) Individual A (a nephew of the licence-holder) had been encountered by ICE officers in a staff only area of the premises, namely the kitchen behind the "Just Eat" terminals (where live orders were processed). He denied being a worker and when interviewed by ICE officers in the course of the visit on the 29 June 2023 he claimed that he had only been at the premises on the day of the visit and was there because he was bored. The Committee noted that he had arrived in the UK illegally by small boat on 07 May 2023 and had made an application for leave to remain. Just two days before the hearing, the licence holder's agent had forwarded a signed witness statement from individual A dated 13 March 2023, to the effect that he had gone to the restaurant premises for company (he did not speak or understand English) and had been behind the "Just Eat" counter because he was charging his mobile phone and was also speaking to his uncle (the licence-holder) and other staff in the kitchen.

The Committee noted that this reference to charging his mobile phone etc had only been made two days before the hearing. No mention of the mobile phone had been made by individual A when he had been interviewed by the ICE officers at the time of the visit on the 29 June 2023. The Committee would have expected him to refer to the mobile phone at this stage. Furthermore, the interview had conducted in Turkish, which was individual A's language. The Committee struggled to understand why individual A was raising the mobile phone explanation so late in the day and this went to his credibility.

On balance, the Committee considered that, on the balance of probabilities, individual A was in the kitchen area of the premises because he was working.

3) Individual B had been encountered by ICE officers at the time of their visit on the 29 June 2023 in the kitchen, in the act of washing dishes. When interviewed by ICE officers in the course of the visit he denied being a worker and said that he was merely washing his hands. His personal belongings were found in one of the rooms in the basement of the premises. The room appeared to be used as living accommodation. The Committee noted that in the course of the hearing the licence-holder's agent (on behalf of the licence-holder) had stated that individual B had subsequently indicated that he had been homeless and had been given free food and accommodation for a couple of days by a member of the staff without the licence-holder or business owner's consent. Individual B may in fact have been washing his own dishes when encountered by ICE officers. The member of staff who had allowed this had since been dismissed.

The Committee noted that if individual B had in fact been washing his own dishes, then such explanation would conflict with his original explanation to the ICE officers on the 29 June 2023 – namely, that he was merely washing his hands. Furthermore, the Committee struggled to understand why individual B had not advanced this explanation when so interviewed. This issue went to credibility.

On balance, the Committee considered that, on the balance of probabilities, individual B was in the kitchen area of the premises because he was working.

4) Furthermore, it was not in dispute that at the date of the ICE officers' visit two individuals without the right to work (i.e. individual A and individual B) had both been encountered at exactly the same time in the kitchen area of the restaurant, where normally only staff would (and should) be present. Mere coincidence, whilst it could not be ruled out entirely, was unlikely. The Committee was inclined to the view that the simultaneous presence of these two individuals in the staff working areas was indicative of them working in the business.

5) The evidence that two rooms in the basement (which were initially found by ICE officers to be locked) appeared to be used as accommodation, with one of them containing the belongings of individual B by no means conclusively established on its own that one or more illegal workers were being accommodated at the premises. However, the Committee considered that, taken with the other facts, it was consistent with and indicative of such.

6) The Committee also noted and was inclined to give some weight to the fact that there had been an arrest of an illegal worker in the Turkish restaurant in Braintree which was also under the licence holder. However, this particular fact did not have

a determinative impact on the Committee's findings. The Committee would have reached the same finding (i.e. that individual A and individual B were working on the premises at the time of the ICE visit) irrespective of the incident at the Braintree restaurant.

7) The committee also noted and was inclined to give some weight to the fact that the unannounced visit by ICE officers to the restaurant on 29th June 2023 was based on intelligence that two individuals from Uzbekistan and Turkey were being employed illegally there, and upon the visit, a period after the information was given, individuals of these nationalities were found. While the committee considered that this could be a co-incidence, they concluded that on the balance of probability, it was likely not.

8) The Committee took the view that the employment of illegal workers was an extremely serious matter. The submissions made by the Home Office in its Premises Licence Review bundle at page 9 under "Outcome Sought" reflected the Committee's own views on the seriousness of employing illegal workers within the UK and the rationale for preventing and deterring such activity. The Committee was also mindful of paragraph 11.27 of the Licensing Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 (to which the Committee was required to have regard when determining review applications).

9) The Committee had given consideration to the proposed conditions put forward by the licence-holder's agent as an alternative option to revocation. However, the Committee was of the view that revocation was the only appropriate course of action in this particular case.

(11:39 to 12:35)

The meeting closed at 12:35

Chair

MINUTES

of the

LICENSING COMMITTEE HEARING

held on 20th March 2024 at 2pm

Present:

Councillor R. Lee (Chair of Hearing)

Councillors D. Clark A. Davidson and J. Frascona

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. [Licensing Act 2003 – Application for a new Premises Licence – 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 Monday – Sunday 10:00 – 23:00

Exhibition of a film Monday – Sunday 09:00 – 23:00

Performance of Live music Monday – Sunday 09:00 – 23:00

Performance of Recorded music Monday – Sunday 09:00 – 23:00

Performance of Dance Monday – Sunday 09:00 – 23:00

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

- Mr Blewitt (applicant)
- Mr Smith (Traffic management representative)

Objectors

- Essex Police
- Little Waltham Parish Council
- Chelmsford Garden Community Council
- Various members of the public

Officers informed the Committee that during the course of the application, ten representations had been received, from responsible authorities, members of the public and Parish Tier Councils. 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 application. They informed the Committee that there had been no incidents with three events under their pre existing licence in 2023 and no reports of issues on the surrounding highways network. They stated that they were now applying for a new licence with a cap of 3000 attendees and referred to the conditions they had agreed with the Council's Environmental Health team, that were detailed at Appendix C of the report. They also stated that they were only planning to hold three of the possible six events across the Summer of 2024.

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

- The noise pollution for the village had been very invasive and there had been reports of anti-social behaviour.
- The location was not appropriate for events of the size being proposed.
- The proposed licensing hours were for each day of the week in comparison to the weekends of the pre existing licence
- The applicant already held a licence for the site with strong conditions on it and a second licence if granted, could in theory lead to double the amount of events unless the pre-existing one was surrendered.
- The footprint of the new application was vastly larger than the pre-existing licence.
- There were various public safety concerns, that had not been addressed including a lake being proposed as part of the licensable area.
- The doubling of the capacity would lead to traffic issues in the area as seen at events with large capacities under previous management.
- Perhaps a capacity of 2000 would be an acceptable compromise rather than 3000.
- At previous events (in 2021) there had been extensive problems in terms of congestion and safety on the local highways network, including cars being abandoned on grass verges and pedestrians walking along unlit fast roads.
- There had still been issues with the 2023 events, including attendees walking along unlit roads, leading to safety concerns on surrounding roads and it was a matter of time before an incident took place.

In response to the concerns raised the applicant stated that;

- They had used their own audio monitoring at the 2023 events and did not agree that there had been excess noise affecting nearby residents and that all music stopped before 11pm.
- Many of the points raised related to events held in previous years under different management.
- At the three events in 2023, they had various traffic mitigation measures in place, some of which were not even required.
- If the licence being applied for was granted, then they would surrender the pre-existing licence.

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

- They were happy with the conditions proposed by Environmental Services, detailed at Appendix C.
- They were not happy to agree to reduce the number of attendees from the 3000 applied for.
- They were content to agree that no external promoters would be used at the venue.
- Despite applying for six events, they were not planning to use all six slots.
- They were happy for the lake to be fenced off and not used for licensable activities.
- They were content for the hours to be reduced to 1pm-11pm in line with the pre-existing licence and for the days of the week to be put in line with the pre-existing licence too, therefore being for Friday-Sunday.
- They were happy for a condition to be in place, meaning that if the new licence was to be granted, that it would not take affect until the surrender of the pre-existing licence.
- The three events held in 2023, were for various age groups, with the largest event of 1500 people being aimed at those between 25 and 35 years of age.
- They were content for the licence to only cover events between April and October, again in line with the pre-existing licence.
- The vast majority of attendees for the 2023 events, arrived via taxi or shuttle bus, leading to only 30 cars parking on the site.

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 application on the terms applied for but subject to the imposition of the following conditions:

1) The mandatory conditions and the conditions proposed (and agreed) by Mr Lewis Mould on behalf of Chelmsford City Council Environmental Protection Services which are set out in Appendix C to the Committee Agenda Pack and SAVE FOR SUGGESTED CONDITION 5 AND 7 (Condition 7 to be replaced with Lewis Mould's suggested condition 8), the conditions suggested by Essex Police in the supplementary bundle, which were also imposed on the previous licence, number 22/00152/LAPRE.

- 2) The new licence shall not take effect unless and until the previous licence (number 22/00152/LAPRE held by Regala Properties Limited) has been surrendered (as offered up by the applicant).
- 3) The licence shall not authorise licensable activity more than 6 times a year. Of these 6 event days, up to two events per year the number of patrons shall not exceed 3000. For up to two events per year the number of patrons shall not exceed 1,500 and for the remaining two events per year the number of patrons shall not exceed 1,000. (This condition is included within Appendix C but highlighted in this decision notice for emphasis as the Committee consider it to be a fundamental condition.)
- 4) The 6 events are limited to be held between 30th April and 31st October annually. (again, included within the Police conditions – but highlighted for emphasis).
- 5) The licensable hours are from 1pm to 11pm Fridays, Saturdays, and Sundays.
- 6) The land in the immediate vicinity of the lake is to be cordoned off to ensure that no patrons can access that area during events. Plans to cordon off the lake must be included within the Traffic and Event management plan.

In reaching its decision, the Committee gave careful consideration to the application and relevant representations both written and made during the hearing, having regard to its statutory duty to take such steps as it considers necessary to promote the licensing objectives. The Committee also took into account section 17 of the Licensing Act 2003, the current Statutory Guidance under section 182 and Chelmsford City Council's licensing policy.

The Committee carefully considered the concerns expressed by the Police, local residents Chelmsford Garden Community Council and Little Waltham Parish Council, but considered that, with the imposition of the conditions referred to which were discussed and largely agreed upon at the meeting, there was no current evidence to indicate prospective harm at this stage. There have been no significant issues with events taking place since 2021.

In particular, the Committee noted that;

Proposed Condition 1 at Appendix C states the license shall not authorise licensable activity more than 6 times a year. Of these 6 event days, up to two events per year the number of patrons shall not exceed 3000. For up to two events per year the number of patrons shall not exceed 1,500 and for the remaining two events per year the number of patrons shall not exceed 1,000. (This staggered capacity figure gives scope for the applicant and responsible authorities to gauge the impact of events with 3,000 patrons in attendance.)

Under proposed condition 8 (Lewis Mould's numbering) 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.

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.

If problems arise in the future, the review mechanism can be used, and the conditions/scope of the licence can be re-visited.

The meeting closed at 3.03pm

Chair



Chelmsford City Council Licensing Committee

28th March 2024

LICENSING ACT 2003 – Temporary Event Notice:
Whealers Farm, Wheelers Hill, Little Waltham, Chelmsford, CM3 3LZ

Report by: Director of Public Places

Officer Contact:

Callum Roberts, Licensing Officer, Callum.Roberts@chelmsford.gov.uk, 01245 606202

Purpose

The purpose of this report is for members to consider a Temporary event notice given by Matthew Blewitt, made under section 100 of the Licensing Act 2003, in respect of Bar 1, Wheelers Farm, Wheelers Hill, Little Waltham, Chelmsford, CM3 3LZ having regard to representations received and the requirement to promote the four licensing objectives. These are:

- a) The prevention of crime and disorder
- b) Public Safety
- c) The prevention of public nuisance
- d) The protection of children from harm

Recommendations

Members are advised that they have the following options when determining this application.

- To allow the notice to proceed as applied for
- To allow the notice to proceed but modify the notice as to impose conditions
- To issue a counter notice

An appeal in respect of any determination made in connection with this application may be made to the Magistrates Court, within 21 days of the notification given by the licensing committee, by the licence holder, Chief officer of police, or any other person making relevant representation. However, no appeal may be brought later than 5 working days before the day on which the event period is specified on the notice.

1. Introduction

- 1.1 The area proposed is a field located in rural Little Waltham with several residential properties located nearby.

2. Application

- 2.1 The notice was received on the 14th of March 2024 and has been properly given in accordance with The Licensing Act 2003 and all procedures correctly followed. The notice is attached as **Appendix A**.
- 2.2 An acknowledgement for the notice was sent out on the 15th of March 2024.
- 2.3 The notice states the event will be a music festival
- 2.4 The notice provides for the following licensable activities on the 18th of May 2024, please see these detailed below:

Sale or supply of Alcohol	13:00 – 23:00
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Provision of Regulated entertainment	13:00 – 23:00
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- 2.5 Members are asked to note that as this report is available in the public domain, personal details have been redacted from some documents, however, both Authority and the applicant have received complete copies of all documents.

3. Representations

- 3.1 During the course of the application, Chelmsford City Council, in line with the Act, sent a copy of the notice to the relevant authorities.
- 3.2 During the consultation period, representations were received by Essex Police and Environmental Services on the 18th of March 2024. Both representations felt that should the notice go ahead it will undermine three of the four licensing objectives; Prevention of crime and disorder, Prevention of public nuisance, and public safety objectives. A copy of these objections is shown as **Appendix B**.
- 3.3 Please find attached plans of the proposed licensable area as **Appendix C**.

4. Conclusion

- 4.1 This application has been correctly submitted.
- 4.2 The power to impose the conditions from the premises licence on a TEN is conferred by s106A Licensing Act 2003. This is not a general power to impose conditions and can be exercised only where temporary events are held on premises, or parts of premises, for which a premises licence or Club Premises Certificate is in force and an objection notice is given.
- 4.3 In determining this application for an objection of the Temporary Event Notice by Essex Police, the Sub-Committee should have regard to the Council's Statement of Licensing Policy and to the guidance issued by the Secretary of State under s182 of the Licensing Act 2003
- 4.4 At the conclusion of this hearing members are advised to consider the options as previously recommended at the start of this report.

Appendices:

- Appendix A – Copy of the Temporary Event Notice
- Appendix B – Copy of representations received
- Appendix C – Plan of the premises

Background reading:

Application held by licensing authority

Corporate Implications

Legal/Constitutional: None

Financial: None

Potential impact on climate change and the environment: None

Contribution toward achieving a net zero carbon position by 2030: None

Personnel: None

Risk Management: None

Equality and Diversity: None

Health and Safety: None

Digital: None

Other: None

Consultees: As per that required by legislation

Relevant Policies and Strategies: Statement of licensing policy



Chelmsford City Council Licensing Committee

28th March 2024

LICENSING ACT 2003 – Temporary Event Notice:
Whealers Farm, Wheelers Hill, Little Waltham, Chelmsford, CM3 3LZ

Report by: Director of Public Places

Officer Contact:

Callum Roberts, Licensing Officer, Callum.Roberts@chelmsford.gov.uk, 01245 606202

Purpose

The purpose of this report is for members to consider a Temporary event notice given by Matthew Blewitt, made under section 100 of the Licensing Act 2003, in respect of Bar 2, Wheelers Farm, Wheelers Hill, Little Waltham, Chelmsford, CM3 3LZ having regard to representations received and the requirement to promote the four licensing objectives. These are:

- a) The prevention of crime and disorder
- b) Public Safety
- c) The prevention of public nuisance
- d) The protection of children from harm

Recommendations

Members are advised that they have the following options when determining this application.

- To allow the notice to proceed as applied for
- To allow the notice to proceed but modify the notice as to impose conditions
- To issue a counter notice

An appeal in respect of any determination made in connection with this application may be made to the Magistrates Court, within 21 days of the notification given by the licensing committee, by the licence holder, Chief officer of police, or any other person making relevant representation. However, no appeal may be brought later than 5 working days before the day on which the event period is specified on the notice.

1. Introduction

- 1.1 The area proposed is a field located in rural Little Waltham with several residential properties located nearby.

2. Application

- 2.1 The notice was received on the 14th of March 2024 and has been properly given in accordance with The Licensing Act 2003 and all procedures correctly followed. The notice is attached as **Appendix A**.
- 2.2 An acknowledgement for the notice was sent out on the 15th of March 2024.
- 2.3 The notice states the event will be a music festival
- 2.4 The notice provides for the following licensable activities on the 18th of May 2024, please see these detailed below:

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- 2.5 Members are asked to note that as this report is available in the public domain, personal details have been redacted from some documents, however, both Authority and the applicant have received complete copies of all documents.

3. Representations

- 3.1 During the course of the application, Chelmsford City Council, in line with the Act, sent a copy of the notice to the relevant authorities.
- 3.2 During the consultation period, representations were received by Essex Police and Environmental Services on the 18th of March 2024. Both representations felt that should the notice go ahead it will undermine three of the four licensing objectives; Prevention of crime and disorder, Prevention of public nuisance, and public safety objectives. A copy of these objections is shown as **Appendix B**.
- 3.3 Please find attached plans of the proposed licensable area as **Appendix C**.

4. Conclusion

- 4.1 This application has been correctly submitted.
- 4.2 The power to impose the conditions from the premises licence on a TEN is conferred by s106A Licensing Act 2003. This is not a general power to impose conditions and can be exercised only where temporary events are held on premises, or parts of premises, for which a premises licence or Club Premises Certificate is in force and an objection notice is given.
- 4.3 In determining this application for an objection of the Temporary Event Notice by Essex Police, the Sub-Committee should have regard to the Council's Statement of Licensing Policy and to the guidance issued by the Secretary of State under s182 of the Licensing Act 2003
- 4.4 At the conclusion of this hearing members are advised to consider the options as previously recommended at the start of this report.

Appendices:

- Appendix A – Copy of the Temporary Event Notice
- Appendix B – Copy of representations received
- Appendix C – Plan of the premises

Background reading:

Application held by licensing authority

Corporate Implications

Legal/Constitutional: None

Financial: None

Potential impact on climate change and the environment: None

Contribution toward achieving a net zero carbon position by 2030: None

Personnel: None

Risk Management: None

Equality and Diversity: None

Health and Safety: None

Digital: None

Other: None

Consultees: As per that required by legislation

Relevant Policies and Strategies: Statement of licensing policy



Chelmsford City Council Licensing Committee

28th March 2024

LICENSING ACT 2003 – Temporary Event Notice: Wheelers Farm, Wheelers Hill, Little Waltham, Chelmsford, CM3 3LZ

Report by: Director of Public Places

Officer Contact:

Callum Roberts, Licensing Officer, Callum.Roberts@chelmsford.gov.uk, 01245 606202

Purpose

The purpose of this report is for members to consider a Temporary event notice given by Matthew Blewitt, made under section 100 of the Licensing Act 2003, in respect of Bar 3, Wheelers Farm, Wheelers Hill, Little Waltham, Chelmsford, CM3 3LZ having regard to representations received and the requirement to promote the four licensing objectives. These are:

- a) The prevention of crime and disorder
- b) Public Safety
- c) The prevention of public nuisance
- d) The protection of children from harm

Recommendations

Members are advised that they have the following options when determining this application.

- To allow the notice to proceed as applied for
- To allow the notice to proceed but modify the notice as to impose conditions
- To issue a counter notice

An appeal in respect of any determination made in connection with this application may be made to the Magistrates Court, within 21 days of the notification given by the licensing committee, by the licence holder, Chief officer of police, or any other person making relevant representation. However, no appeal may be brought later than 5 working days before the day on which the event period is specified on the notice.

1. Introduction

- 1.1 The area proposed is a field located in rural Little Waltham with several residential properties located nearby.

2. Application

- 2.1 The notice was received on the 14th of March 2024 and has been properly given in accordance with The Licensing Act 2003 and all procedures correctly followed. The notice is attached as **Appendix A**.
- 2.2 An acknowledgement for the notice was sent out on the 15th of March 2024.
- 2.3 The notice states the event will be a music festival
- 2.4 The notice provides for the following licensable activities on the 18th of May 2024, please see these detailed below:

Sale or supply of Alcohol	13:00 – 23:00
Provision of Regulated entertainment	13:00 – 23:00

- 2.5 Members are asked to note that as this report is available in the public domain, personal details have been redacted from some documents, however, both Authority and the applicant have received complete copies of all documents.

3. Representations

- 3.1 During the course of the application, Chelmsford City Council, in line with the Act, sent a copy of the notice to the relevant authorities.
- 3.2 During the consultation period, representations were received by Essex Police and Environmental Services on the 18th of March 2024. Both representations felt that should the notice go ahead it will undermine three of the four licensing objectives; Prevention of crime and disorder, Prevention of public nuisance, and public safety objectives. A copy of these objections is shown as **Appendix B**.

3.3 Please find attached plans of the proposed licensable area as **Appendix C**.

4. Conclusion

4.1 This application has been correctly submitted.

4.2 The power to impose the conditions from the premises licence on a TEN is conferred by s106A Licensing Act 2003. This is not a general power to impose conditions and can be exercised only where temporary events are held on premises, or parts of premises, for which a premises licence or Club Premises Certificate is in force and an objection notice is given.

4.3 In determining this application for an objection of the Temporary Event Notice by Essex Police, the Sub-Committee should have regard to the Council's Statement of Licensing Policy and to the guidance issued by the Secretary of State under s182 of the Licensing Act 2003

4.4 At the conclusion of this hearing members are advised to consider the options as previously recommended at the start of this report.

Appendices:

- Appendix A – Copy of the Temporary Event Notice
- Appendix B – Copy of representations received
- Appendix C – Plan of the premises

Background reading:

Application held by licensing authority

Corporate Implications

Legal/Constitutional: None

Financial: None

Potential impact on climate change and the environment: None

Contribution toward achieving a net zero carbon position by 2030: None

Personnel: None

Risk Management: None

Equality and Diversity: None

Health and Safety: None

Digital: None

Other: None

Consultees: As per that required by legislation

Relevant Policies and Strategies: Statement of licensing policy

Appendix A

Field	Response
Applicant details	
First name	MATTHEW
Last name	BLEWITT
Previous names	N/A
Date of birth	
Place of birth	
National Insurance number	
Phone number	
Other phone number	
Email address	
Your address	
Building number or name	
Address line one	
Address line two	
City or town	
County	
Postcode	
Is your correspondence address the same as (or similar to) the address you have given on the previous page?	Yes
Correspondence address	
The premises	
Address of the premises where you intend to carry out the licensable activities	WHEELERS FARM, WHEELERS HILL, LITTLE WALTHAM, CHELMSFORD, CM3 3LZ
Does a premises licence or club premises certificate	

Appendix A

have effect in relation to the premises (or any part of the premises)?	Yes
Premises licence number	22/00152/LAPRE
Club premises certificate number	N/A
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details	BAR 1 OF 3 WILL BE LOCATED IN THE NORTH WEST CORNER OF WHEELERS FARM FIELD. PLEASE SEE ATTACHED PHOTO FOR VISUAL REPRESENTATION
Describe the nature of the premises	OUTSIDE SPACE
Describe the nature of the event	MUSIC FESTIVAL - UNDERTAKINGS GIVEN BY OPERATOR ALL PREMISE LICENCE TO APPLY FROM 22/00152/LAPRE SAVE AS ANNEX 2 POINT 7. EMP WITH TMP TO BE RE-SUBMITTED (SENT ON 11TH MARCH 2024) IN LESS THAN THE 12 WEEKS PRIOR TO THE EVENT DATE.
The licensable activities	
What licensable activities do you intend to carry on at the premises?	["The sale by retail of alcohol", "The provision of regulated entertainment "]
Are you giving a late temporary event notice?	No
What dates do you intend to use these premises for licensable activities?	18/05/2024
What times during the event period do you propose to carry on licensable activities?	13.00 TO 23.00
State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities (including any staff, organisers or performers)	499
Will the licensable activities include the sale or supply of alcohol?	Yes
Will the sale and supply of alcohol be for consumption on or off the premises, or both?	On the premises only
Will the licensable activities include the provision of relevant entertainment?	Yes
What times during the event period that you propose to provide relevant entertainment?	13.00 AND 23.00

Appendix A

Personal licence holders	
Do you currently hold a valid personal licence?	Yes
Issuing licensing authority	
Licence number	
Date of issue	
Any further relevant details	NONE
Previous temporary event notices you have given	
Have you given a Temporary Event Notice for any premises for an event within the same year as this event you are applying for?	No
State the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year?	
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before, or b) begins 24 hours or less after the event period proposed in this notice?	No
Associates and business colleagues	
Has any associate or business colleague of yours given a temporary event notice for an event in the same year as this event you are applying for?	No
State the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) or business colleague(s) have given for events in the same year	
Has any associate or business colleague of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before, or b) begins 24 hours or less after the event period proposed in this notice?	No
Further information	
Any further information	IF ANY FURTHER INFORMATION IS REQUIRED WE WILL BE PLEASED TO PROVIDE
Condition	

Appendix A

It is a condition of this temporary event notice that where the relevant licensable activities described in this application include the sale or supply of alcohol, that all such supplies are made by or under the authority of the premises user

Confirm

Declaration

Declaration

I understand

Full name

MATTHEW BLEWITT

Appendix A

Field	Response
Applicant details	
First name	MATTHEW
Last name	BLEWITT
Previous names	N/A
Date of birth	
Place of birth	
National Insurance number	
Phone number	
Other phone number	
Email address	
Your address	
Building number or name	
Address line one	
Address line two	
City or town	
County	
Postcode	
Is your correspondence address the same as (or similar to) the address you have given on the previous page?	Yes
Correspondence address	
The premises	
Address of the premises where you intend to carry out the licensable activities	WHEELERS FARM, WHEELERS HILL, LITTLE WALTHAM, CHELMSFORD, CM3 3LZ
Does a premises licence or club premises certificate	

Appendix A

have effect in relation to the premises (or any part of the premises)?	Yes
Premises licence number	22/00152/LAPRE
Club premises certificate number	N/A
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details	BAR 2 OF 3 WILL BE LOCATED IN THE NORTH EAST CORNER OF WHEELERS FARM FIELD. PLEASE SEE ATTACHED PHOTO FOR VISUAL REPRESENTATION
Describe the nature of the premises	OUTSIDE SPACE
Describe the nature of the event	MUSIC FESTIVAL - UNDERTAKINGS GIVEN BY OPERATOR ALL PREMISE LICENCE TO APPLY FROM 22/00152/LAPRE SAVE AS ANNEX 2 POINT 7. EMP WITH TMP TO BE RE-SUBMITTED (SENT ON 11TH MARCH 2024) IN LESS THAN THE 12 WEEKS PRIOR TO THE EVENT DATE.
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Will the sale and supply of alcohol be for consumption on or off the premises, or both?	On the premises only
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Licence number	
Date of issue	
Any further relevant details	NONE
Previous temporary event notices you have given	
Have you given a Temporary Event Notice for any premises for an event within the same year as this event you are applying for?	Yes
State the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year?	1
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before, or b) begins 24 hours or less after the event period proposed in this notice?	No
Associates and business colleagues	
Has any associate or business colleague of yours given a temporary event notice for an event in the same year as this event you are applying for?	No
State the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) or business colleague(s) have given for events in the same year	
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Further information	
Any further information	IF ANY FURTHER INFORMATION IS REQUIRED WE WILL BE PLEASED TO PROVIDE
Condition	

Appendix A.

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Full name

MATTHEW BLEWITT

Appendix A

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Last name	BLEWITT
Previous names	N/A
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Place of birth	
National Insurance number	
Phone number	
Other phone number	
Email address	
Your address	
Building number or name	
Address line one	
Address line two	
City or town	
County	
Postcode	
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Correspondence address	
The premises	
Address of the premises where you intend to carry out the licensable activities	WHEELERS FARM, WHEELERS HILL, LITTLE WALTHAM, CHELMSFORD, ESSEX, CM3 3LZ
Does a premises licence or club premises certificate	

Appendix A

have effect in relation to the premises (or any part of the premises)?	Yes
Premises licence number	22/00152/LAPRE
Club premises certificate number	N/A
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details	BAR 3 OF 3 WILL BE LOCATED IN THE SOUTH EAST CORNER OF WHEELERS FARM FIELD. PLEASE SEE ATTACHED PHOTO FOR VISUAL REPRESENTATION
Describe the nature of the premises	OUTSIDE SPACE
Describe the nature of the event	MUSIC FESTIVAL - UNDERTAKINGS GIVEN BY OPERATOR ALL PREMISE LICENCE TO APPLY FROM 22/00152/LAPRE SAVE AS ANNEX 2 POINT 7. EMP WITH TMP TO BE RE-SUBMITTED (SENT ON 11TH MARCH 2024) IN LESS THAN THE 12 WEEKS PRIOR TO THE EVENT DATE.
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Do you currently hold a valid personal licence?	Yes
Issuing licensing authority	
Licence number	
Date of issue	
Any further relevant details	NONE
Previous temporary event notices you have given	
Have you given a Temporary Event Notice for any premises for an event within the same year as this event you are applying for?	Yes
State the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year?	2
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before, or b) begins 24 hours or less after the event period proposed in this notice?	No
Associates and business colleagues	
Has any associate or business colleague of yours given a temporary event notice for an event in the same year as this event you are applying for?	No
State the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) or business colleague(s) have given for events in the same year	
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Further information	
Any further information	IF ANY FURTHER INFORMATION IS REQUIRED WE WILL BE PLEASED TO PROVIDE
Condition	

Appendix A.

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Confirm


Declaration

Declaration

I understand

Full name

MATTHEW BLEWITT



Licensing Authority
Chelmsford Licensing

Civic Centre

Duke street

Chelmsford

CM1 1 JE

Essex Police Licensing Unit
Blyth's Meadow
Braintree
Essex CM7 3DJ

01245 452035

18th March 2024

**POLICE OBJECTION NOTICE To a Temporary Event Notice (TEN)
Section 104 Licensing Act 2003**

Name of Premises User: Matthew Blewitt

Address of Premises: Wheeler's farm, Wheelers Hill, Little Waltham,
Chelmsford, Essex, CM33LZ

Date required for TENS 18/05/24 x 3 TENS

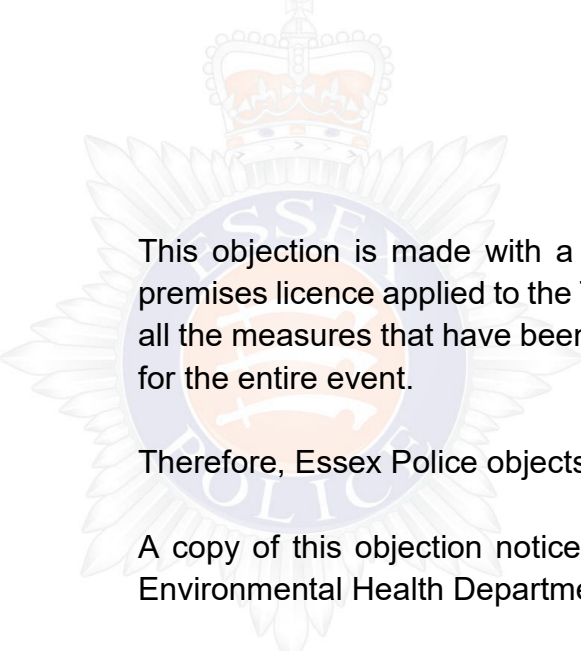
On 15th March 2024 Essex Police received the above Notices. The Police are satisfied that allowing the premises to be used in accordance with the 3 notices would undermine one or more of the licensing objectives.

The licensing objectives of relevance to this objection notice is the crime and disorder, public nuisance, and public safety objectives of the Licensing Act 2003

The location holds a premises licence - 22/00152/LAPE which has in place 31 conditions agreed by responsible authorities and are essential to upholding the licensing objectives.

Running the event under a TEN will mean there are no specific licensing conditions to abide by that will further promote the prevention of crime and disorder, public nuisance, and public safety objectives. Essex Police would be remiss to allow the TEN to go unchallenged given the previous issues which have arisen at the site.

The applicant has stated that the conditions will be upheld apart from condition 7 under annex 2. For reassurance that the conditions will be in place when operating on this site, Essex police have objected to the 3 applications to get the conditions applied to the temporary event notices.



This objection is made with a view to getting the relevant conditions listed on the premises licence applied to the TEN for the event. This would satisfy Essex Police that all the measures that have been put in place following the hearing will remain in effect for the entire event.

Therefore, Essex Police objects to the proposed TEN'S

A copy of this objection notice has been served upon the premises user, the local Environmental Health Department and the relevant licensing authority.

On receipt of this notice the licensing authority will issue a 'Counter Notice' and provide further information on related procedures.

Yours faithfully

Rachel Savill

Police Licensing Officer

Chelmsford and Maldon

Licensing.chelmsford.and.maldon@essex.police.uk

From: Lewis MOULD <Lewis.Mould@chelmsford.gov.uk>

Sent: Monday, March 18, 2024 2:26 PM

To: Licensing <Licensing@chelmsford.gov.uk>

Cc: LDN WILD <wheelersfarmevents@gmail.com>

Subject: Objection to Temporary Event Notices

Dear Licensing,

I confirm that on behalf of the Local Authority exercising environmental health functions I am objecting to the three Temporary Event Licences (TENs) for Wheelers Farm with reference numbers 24/00161/LATEMP, 24/00162/LATEMP and 24/00163/LATEMP.

To allow the event to go ahead under the TENs would compromise the licensing objectives in relation to prevention of public nuisance and ensuring public safety.

The relevant premises licence conditions, as a minimum, should be attached to these TENs to ensure the event has sufficient controls in place to ensure it is safe and does not cause unreasonable public nuisance. The condition on the premises licence regarding the minimum period of time an Event and Traffic Management Plan must be submitted prior to the event cannot be achieved. The Event management plan was submitted 9 weeks and 5 days before the date of the proposed event on 18th May 2024, and not 12 weeks as required by licensing condition imposed by the Licensing Committee when it determined the existing premises licence.

Regards,

Lewis Mould

Public Health and Protection Services Manager

Public Health and Protection Services, Public Places

Chelmsford City Council

Bar 1

Stage

First aid

Free water

Parking
&
Drop-off

Entrance

Exit

Fire Assembly Point





3D

N

Bar1

Stage

Free water

Bar 2

Stage

Free water

Parking
and
Drop off

Bar 3

Shuttle
Bus

Fire point

EXIT

Entrance

