

Licensing Committee Agenda

HEARING TO CONSIDER AN APPLICATION FOR A NEW PREMISES LICENCE

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

31st March at 9am

Remote Meeting

**MEMBERS OF COMMITTEE INVITED TO ATTEND
HEARING**

Councillor L.A. Mascot (Chair)

and Councillors A.E. Davidson, D.G. Jones and R. Lee

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 Daniel Bird in the Democracy Team on Chelmsford (01245) 606523 or email daniel.bird@chelmsford.gov.uk.

Licensing Committee

31 March 2023

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 meeting on 22 March 2023

4. Licensing Act 2003 – Application for a New Premises Licence – Zen Fest, Kings Farm, Margaretting Road, Writtle, Chelmsford, Essex, CM1 3PJ

MINUTES

of the

LICENSING COMMITTEE HEARING

held on 22 March 2023 at 4.30pm

Present:

Councillor L.A. Mascot (Chair of Hearing)

Councillors, A.E. Davidson, D.G. Jones and R. Lee

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 of the meeting on 23rd November 2022 were confirmed as a correct record.

4. **Licensing Act 2003 – Application for a Summary Review of a Premises Licence – The Bassment, 16 Wells Street, Chelmsford, Essex, CM1 1HZ**

The Committee considered an application for a summary review of the premises licence relating to The Bassment, 16 Wells Street, Chelmsford, Essex pursuant to section 53C of the Licensing Act 2003 made by Essex Police. The application had been made on the grounds of serious crime and disorder and had been accompanied by the required certificate of a senior police officer.

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

It was also noted by the Committee that any decision taken would not take effect until the end of the 21st day following receipt of the decision. Therefore, the Committee noted that under Section 53D of the Licensing Act 2003 they were also

required to formally review the previously imposed interims steps and consider whether, it was appropriate and proportionate for them to stay in place.

The Committee were reminded of the process that had already taken place in advance of the full hearing. It was noted that interim steps had been taken to suspend the licence. Following representations made by the Licence holder at a later date, the suspension had been lifted and 20 conditions were placed on the licence instead, with the agreement of Essex Police and the licence holder.

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

Applicant – Mr Gordon Ashford (Essex Police)

Licence holder legal representative – Mr David Dadds

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

Essex Police were invited to present their case to the Committee. Essex Police stated that they were happy that the previously agreed conditions were now in place and had checked they were being followed. They asked the Committee to impose the 20 previously agreed conditions as permanent ones on the Licence and for the interim steps to remain in place in the meantime. Essex Police confirmed the conditions adequately mitigated the harm that had been witnessed when the initial incident had taken place.

In response, the Licence Holder's representative confirmed that they were in agreement with Essex Police, that the 20 conditions should be made permanent. The Committee were also reminded that no other representations had been made by responsible authorities and that the Police were the main source of advice on matters such as this. In response to a question from the Committee, it was also confirmed that the angle of the cameras inside the venue had been amended to now cover the stairs adequately. It was also noted that the Licence Holder was happy for the interim steps to remain in place.

The Chair informed those present that the Committee would now retire to deliberate on the matter. It was noted that unlike previous meetings where everyone was present, this would be held remotely and a decision would be provided to the relevant parties via email within in a few days. The decision made is detailed below and was circulated to the relevant parties.

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 permanently modify the conditions of the licence as detailed below:

A. SECTION 53C DECISION (outcome of summary review)

Pursuant to section 53C of the 2003 Act the Committee has determined as that -

'The premises licence in respect of 'The Basement' (also known as 'The Bassment') at 16 Wells Street, Chelmsford, Essex CM1 1HZ be modified so that the twenty proposed conditions which have been agreed between the licence holder and Essex

Police (and which are set out in Appendix A to the supplementary bundle produced by Essex Police and put before the Committee at the hearing) be substituted for the conditions which are currently set out in Annex 2 to the premises licence .’

Reasons for decision

Having regard to all the circumstances the Committee considers it is appropriate for the promotion of the licensing objectives to take this step.

In particular the Committee has noted and given due weight to the fact that Essex Police have been in discussions with the licence holder and their representative and have confirmed to the Committee that they are of the view that these twenty proposed conditions will address the failings that led to the incident which resulted in Essex Police making an application for a summary review. In this regard, the Committee has also had regard to the Guidance issued by the Secretary of State pursuant to section 182 of the 2003 Act which makes it clear that the Committee is to look to the police as the main source of advice on crime and disorder matters.

The twenty proposed conditions mirror the interim steps conditions which were imposed by the Committee at the hearing on 09 March 2023. These interim steps conditions have been implemented by the licence holder and Essex Police have confirmed that they are working.

Furthermore, the Committee has noted and taken into account the fact that there have been no representations received from other responsible authorities or from any interested party.

B. SECTION 53D DECISION (interim steps pending the above-mentioned Decision coming into effect)

Pursuant to section 53D of the 2003 Act, the Committee has determined that it is appropriate that the interim steps conditions which were imposed by it at the hearing on 09 March 2023 remain in place until (i) the end of the 21 days given for appealing the decision made under section 53C, or (ii) if an appeal is made, the time the appeal is disposed of.

Reasons for decision

The interim steps conditions mirror the twenty conditions which are imposed by the Committee as a modification to the premises licence under section 53C. The Committee considers that if one or more of the interim steps conditions was not in place pending the section 53C decision coming into effect then there is a risk that the prevention of crime and disorder licensing objective could be undermined.

Note: At the hearing, the licence holder signified (through their legal representative) that they were in any event in agreement with the interim steps conditions remaining in place.

The meeting closed at 4.40pm

Chair



Chelmsford City Council Licensing Committee

DATE: 31st March 2023

**LICENSING ACT 2003 – APPLICATION FOR A NEW
PREMISES LICENCE: ZEN FEST, KINGS FARM,
MARGARETTING ROAD
WRITTLE, CHELMSFORD, ESSEX, CM1 3PJ**

Report by: Director of Public Places

Officer Contact:

Simon Parnham, Licensing Officer, Simon.parnham@chelmsford.gov.uk, 01245 606406

Purpose

The purpose of this report is for members to consider a Premises Licence Application given by New World Muzic Ltd, made under section 17 of the licensing act 2003, for a new premise licence in respect of Kings farm, Margarettong Road, Writtle, 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.

- 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.

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.

1. Background

- 1.1 The area proposed is farmland to the east of Margaretting road.

2. Application

- 2.1 The application has been properly given in accordance with The Licensing Act 2003 and all procedures correctly followed. The completed application form is attached as **Appendix A**.
- 2.2 The application form for the premises licence was received on the 20th December 2022 but due to the insufficient plans a complete application was submitted on 4th February 2023, and correctly advertised by placing blue public notices at the premises and by publication in a local paper and on Chelmsford City Council's website.
- 2.3 The new premises licence application provides for the following licensable activities as detailed below:
- | | | |
|-----------------------------|----------|---------------|
| Sale or supply of Alcohol | Saturday | 12:00 - 23:00 |
| Provision of Recorded Music | Saturday | 12:00 - 23:00 |
- 2.4 Mr Aengus Drennan has been nominated as the designated premises supervisor having obtained a personal licence from Camden Council.
- 2.5 The applicant has provided an operating schedule which promotes all four of the licensing objectives and have agreed additional conditions with Public Health and Protection Environmental Services.
- 2.6 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 application to all responsible authorities.
- 3.2 During the consultation period three representations were received objecting to the application. Copies of these objections are shown as **Appendix B**
- 3.3 Please see attached the conditions agreed with environmental services as **Appendix C**
- 3.4 Please find attached plans of the proposed licensable area as **appendix D**.

4. Conclusion

- 4.1 The Statement of Licensing Policy are brought to the attention of members and are as follows:
 - Section 13. Nothing in the section affects this application.
- 4.2 This application has been correctly submitted.
- 4.3 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 Premises Licence Application
- Appendix B – Copy of representations received from members of the public
- Appendix C – Conditions agreed with environmental services
- Appendix D - Plans

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



Chelmsford City Council Application for a premises licence Licensing Act 2003

For help contact
licensing@chelmsford.gov.uk
Telephone: 01245 606727

* required information

Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☐ Yes ☒ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

☒ Indicate here if you would prefer not to be contacted by telephone

Are you:

☒ Applying as a business or organisation, including as a sole trader
☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House?

☒ Yes ☐ No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 21

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- ☐ An individual or individuals
- ☒ A limited company / limited liability partnership
- ☐ A partnership (other than limited liability)
- ☐ An unincorporated association
- ☐ Other (for example a statutory corporation)
- ☐ A recognised club
- ☐ A charity
- ☐ The proprietor of an educational establishment
- ☐ A health service body
- ☐ A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- ☐ A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- ☐ The chief officer of police of a police force in England and Wales

Confirm The Following

- ☒ I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- ☐ I am making the application pursuant to a statutory function
- ☐ I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

Section 4 of 21

NON INDIVIDUAL APPLICANTS

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Limited Company

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth

* Nationality

Documents that demonstrate entitlement to work in the UK

Add another applicant

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

Green field site, intended for festival use. Layout would comprise consumer area, back of house, and car parking spaces. The proposed event would take place on 19th August 2023 from 1200-2300, for 4,000 people including staff, and would include DJ performances of recorded music, and food and bar outlets (including the service of alcohol). ZenFest is a recurring one day festival taking place once per year, boasting the best of upcoming music talent and an immersive and engaging customer experience.

Continued from previous page...

Full event management plans, including traffic, crowd, noise and H&S management plans will be produced and presented to the SAG group for recommendation and approval.

The site would be proposed for a 5 day build, one day live and 3 day break.

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

4999

Section 6 of 21

PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

☐ Yes

☒ No

Section 7 of 21

PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

☐ Yes

☒ No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

☐ Yes

☒ No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

☐ Yes

☒ No

Section 10 of 21

PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

☐ Yes

☒ No

Section 11 of 21

PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will you be providing recorded music?

☒ Yes

☐ No

Standard Days And Timings

Continued from previous page...

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

☐ Indoors ☒ Outdoors ☐ Both

Where taking place in a building or other
structure tick as appropriate. Indoors may
include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

DJ performances of recorded music throughout the day, through amplified means. Three stages playing different performances from 12:00-23:00 on 19th August only.

State any seasonal variations for playing recorded music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing performances of dance?

☐ Yes

☒ No

Section 13 of 21

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing anything similar to live music, recorded music or performances of dance?

☐ Yes

☒ No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

☐ Yes

☒ No

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

Continued from previous page...

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- ☒ On the premises ☐ Off the premises ☐ Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Continued from previous page...

Name

First name

Family name

Date of birth

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- ☒ Electronically, by the proposed designated premises supervisor
- ☐ As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 21

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

Potential for profane language in some music performed.

Continued from previous page...

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Continued from previous page...

Section 18 of 21

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

A full Event Management Plan (EMP) shall be drafted and revised jointly by management and our third party licensing consultants, GallowGlass H&S, to highlight and detail all necessary proposed plans, actions and methods to promote to the greatest extent practicable the licensing objectives. This will be presented to the SAG, in line with any submission deadlines stipulated within the license, to allow the group to feedback any suggestions, advice or improvements.

b) The prevention of crime and disorder

A security subcontractor with particular and extended experience working in the festival industry, will be employed to promote the prevention of crime and disorder. All Security personnel will possess an SIA Door supervisor badge as a minimum, and a dedicated security management team will form part of the Event Liaison Team (ELT). A chain of command will be in place to act as a communication bridge between event management and the security department. A thorough search and entry policy shall be in place to ensure that only accredited individuals gain access to their prescribed areas, and to prevent prohibited items such as weapons and illegal substances getting into site.

A rigorous Responsible Service of Alcohol (RSA) policy will be adhered to by bar managers and relayed to all bar staff to ensure that alcohol is not served to any underage or intoxicated individuals.

In addition, CCTV will be in use throughout site to monitor crowds and spot any trouble before it develops.

Site lighting will be plentiful throughout the site footprint to facilitate monitoring of crowds and discourage crime.

All plans will be detailed in the EMP or as appendices (eg crowd management plans, search policy etc)

c) Public safety

The security company will also serve as the main monitoring and enforcing system of the crowd management plan, preventing overcrowding which could lead to alarm or injuries.

A separate medical team, area and vehicle will be on-site to deal with any medical/first-aid issues as they arise, led by the medical manager who will form part of the ELT. A separate medical management plan, formulated by them, along with a resource profile, will be in the EMP.

A traffic management team, led by a traffic manager (part of the ELT), will manage all traffic on-site, including site vehicles, consumer vehicles, taxis and pick-up/drop-off zones. The priorities will be to separate pedestrians with vehicular traffic, and ensure the safe ingress/egress of all attendees. A separate traffic management plan, drafted by them, will form part of the EMP.

Amenities such as washing facilities, free potable water, and ear-plugs will be readily and freely available to all attendees and staff throughout the event.

An external health and safety consultancy will advise on the formulation of the EMP, and shall produce a risk assessment to highlight and mitigate against any potential hazards that could arise onsite. The H&S providers shall also be onsite during set-up and live day to ensure that all precautionary measures are adhered to, and they shall form part of the ELT, as well as being present throughout site and in the event control room.

d) The prevention of public nuisance

All waste produced onsite shall be disposed of promptly and responsibly, according to a waste management plan produced as part of the EMP.

A noise consultant shall produce a noise management plan in the run-up to the festival to identify any potential noise pollution, and advise on site design and acoustic measures to implement to prevent this. This consultant will be onsite throughout the live day to monitor levels throughout the site and surrounding areas. A monitoring device will also be fitted to all sound desks. A noise report shall be produced post-event to detail all recorded levels. Care will also be taken to ensure

Continued from previous page...

that no noise levels exceed safe levels for hearing anywhere onsite.

e) The protection of children from harm

The event will be strictly 18 and over, policed on entry by the checking of identification on a Challenge 25 rule (Pass card, passport or driving license only). In addition, any attendees purchasing alcohol who appear under 25 shall also have their identification double-checked. With the exception of the potential for profane language in music, there is not expected to be any forms of unsuitable activities at the event (e.g. gambling, adult themes etc). Despite this, there will still be a protocol in place for identifying, safeguarding and rectifying any incidents that could arise from lost children, detailed in the crowd management plan.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Continued from previous page...

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

Continued from previous page...

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 21 of 21

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

* Fee amount (£)

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

DECLARATION

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

Date (dd/mm/yyyy)

Add another signatory

Continued from previous page...

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.chelmsford.gov.uk/business/licensing/alcohol-licensing/premises-licence/apply-for-a-new-premises-licence/> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED

APPENDIX B

Representations

The parish council have considered the Kings Farm premises licence application at the Planning and Development Committee meeting on 20 March 2023 and would like to formally submit the following representation to the Licensing Committee. I would be grateful if you could confirm receipt of the Parish Council submission.

Regards

Writtle Parish Council submission on the Kings Farm licence application.

The Writtle Parish Council Planning and Development Committee met on 20 February 2023 to consider the new licence application for Zen Fest Ltd for an event on 19th August. They considered the previous objection to the original licence applications for Kings Farm and felt that the objections were still valid. It was felt events at Kings Farm over the previous year had continued to demonstrate that the parish council objections had been validated. Practice had shown that this is an inappropriate location for a large-scale festival.

Writtle Parish Council object to this license application for DJ performances of recorded music which due to the proximity to the village and nearby properties, will have a significant negative impact on their amenities. This is particularly so given the length and lateness of the proposed potentially very noisy event. Events held over the past years have demonstrated that this has been the case.

The events attract a large number of people arriving by car or on foot. There has been concerns about safety in the past for both pedestrians and vehicles accessing the site and for other highway users on Margaretting Rd. Recent events have highlighted safety concerns with a large volume of people arriving by foot, walking along the Margaretting Road, and crossing the A414. In addition, such events are frequently accompanied by antisocial behaviour during/ after the event that would also be harmful to the neighbourhood. The management of access to the site continues to be a concern with considerable traffic queues.

Noise levels from current events continue to be excessive for local residents. Although it is understood that previous noise checks were within the acceptable range the vibrating base leading to windows shaking and the foul language over the tannoy speakers is considered anti-social.

The parish council is concerned on the compound impact of two large outdoor event venues, Hylands Park and Kings Farm in close proximity to each other and the compound impact on the road network and competing music and the impact on local residents and facilities. In addition, the impact that the events will have on pre booked events in Writtle village.

APPENDIX B

I write in relation to the Kings Farm licence application by Zen Fest Ltd for an event on 19th August and to lodge my objection to the granting of this licence, principally on grounds of prevention of public nuisance.

I have received many complaints from residents regarding previous events at Kings Farm, with much of the correspondence commenting on the noise levels and amplified foul language. I have concluded that this location, which is near a number of houses, is simply not suitable for large festivals or music concerts. I note that the proposed event on 19th August would continue until 11pm, which in my view is too late. I am informed that previous events held on this site have gone on past the end time stated in the licence.

I am aware that the Parish Council, in their submissions against this licence, have made other points, including concerns about safety for both pedestrians and vehicles. I would like to note my wholehearted agreement with all points put forward by Writtle Parish Council in objecting to the grant of this licence.

I sincerely hope that this licence application will be refused.

Cllr Andrew Thorpe Apps (local ward member)

Dear Sir/Madam,

Please confirm receipt of this e-mail.

1. Please could the Council have tighter control and enforcement of multiple events on farmland off Margaretting Road Writtle.
2. When V Festival and Creamfields were being held in Hylands Park, noise and vibration was managed to an acceptable level. Now, there are an increasing number and frequency of events off Margaretting Road which experience has shown cause frequent nuisance. Therefore, the Council needs to tighten controls.
3. Previous events have included vibrating bass, amplified swearing by the hosts and repetitive amplified commentary. That meant family and friends could not sit in the garden and I could not listen to radio or TV in my house, even with windows closed.
4. The noise and vibration disturbance usually starts with sound checks and staff parties the day before. The main event often starts at 11 am Saturday but the Environmental Health "out-of-hours" Officer does not come on duty until 6 pm. When I request the officer to contact the organisers, he says he cannot do anything but will report to the Council on Monday. This makes it a pointless exercise, and the levels of nuisance have to be endured the whole weekend.
5. Previously, the Licensing Committee was informed that event management phone

APPENDIX B

numbers would be provided to local residents. It appears this cannot be relied on because I have had no contact from any organisers and neither have my neighbours. Please will the Council ensure that information is provided?

6. I was surprised to be told some of the events do not even need licensing. Therefore, it is imperative that Environmental Health are available for action at the time of events.

7. The numbers of days on which there are events are growing rapidly, particularly in the summer when it causes nuisance when wanting to enjoy being in the garden or have windows open. There should be a coordinated limit on the number of event days by various organisers within one mile of Paradise Road. e.g. music events of various types (rave, country, etc); various motor racing events; helicopter ride take-offs and landings; etc. Any individual event should be limited to a maximum of 2 days per year.

8. Events held in recent years include, e.g.
New World Music Fest 2 day event
Land of the Dead 10 day festival
Motor Fest and helicopter rides 2 day event
Grass track motor bike racing 2 times per year.
Country music 2 day event
Sports Direct music event

9. The licences should not be open-ended because the actual dates when events occur can come as a complete surprise, causing disruption to residents' social arrangements. Dates should be notified to residents as soon as possible and at least a month in advance.

10. The dates of events plus limits and conditions on events should be made easy to find on the Council website.

11. I have just discovered there is an application for yet another licence for events on farmland in Margaretting Road (Zen Fest), but there is very little information on the Council website. There should be plans that show that nuisance from vibration, noise and speech commentary can be controlled to acceptable levels before a licence is granted. For these reasons above, I object to granting licence.

Agreed Conditions

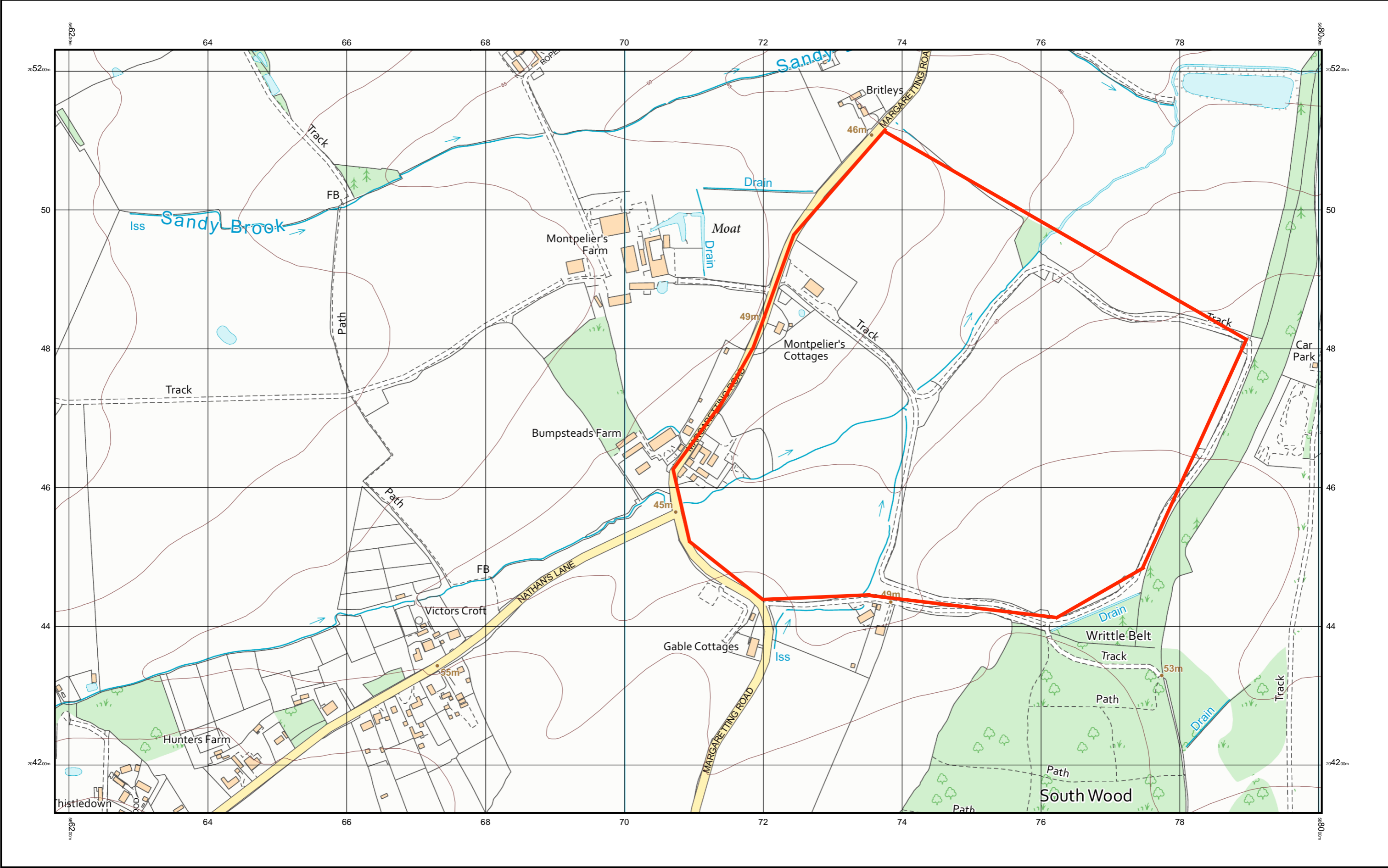
- The licence holder will ensure that music or amplified sound from the event (including any concert, music performance, film showing, side show, display or any other entertainment within the licensed area) is not audible outside the boundary of the site between 2300 hours and 1100 hours.
- The licence 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).
- Where there are up to 3 event/concert days, operating under a premises licence, scheduled at the premises in a calendar year the Music Noise Level (MNL) shall not exceed, at any noise sensitive location, 65dB(A) LAeq over any 15 minute period through the event and during any rehearsal or sound check for the event. Where 4 or more event/concert days, operating under a premises licence, are scheduled within a calendar year the MNL from any event shall not exceed, at any noise sensitive location, the representative background noise level (LA90) 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.
- 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.
- 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.
- 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.
- 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.

Regards,

Operations Manager

Public Health & Protection Services

Directorate of Public Places



© Crown copyright and database rights 2023 Ordnance Survey 100048957. The representation of road, track or path is no evidence of a boundary or right of way. The representation of features as lines is no evidence of a property boundary.