

MINUTES

of the

LICENSING COMMITTEE HEARING

held on 3 July 2020 at 11am

Present:

Councillor L.A. Mascot (Chair of Hearing)

Councillors, D.G. Jones, S. Rajesh and I.C. Roberts

1. Apologies for Absence and Substitutions

There were no apologies for absence.

2. Declaration of Interests

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

3. Minutes

The minutes of the meeting held on 21 May 2020 were agreed as a correct record and signed by the Chair.

4. Licensing Act 2003 – Application for a Full Variation of a Premises Licence – Sandy Brook Fields, Margaretting Road, Writtle, Chelmsford, Essex, CM1 3HJ

The Committee considered an application for a full variation of an existing premises licence relating to Sandy Brook Fields, Margaretting Road, Writtle, Chelmsford, Essex, CM1 3HJ, pursuant to section 34 of the Licensing Act 2003. The application was for the following licensable activities;

- To remove the limit of number of events permitted to be held each year.
- To include the Provision of a film: Wednesday – Sunday 09:00 till 23:00

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

1. Grant the application, on the terms and conditions applied for
2. Grant the application, on the terms and conditions applied for, modified to such extent as considered appropriate to promote the Licensing Objectives,
3. Refuse the application in whole or in part.

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

Applicant

- Miss Thorogood

The Chair advised that the written representations had been read and considered by the members of the Committee in advance of the meeting. The Chair invited the applicant to introduce their application.

The applicant addressed the Committee and confirmed that conditions had been agreed with Public Health and Essex Police and that this would limit the licence to six weekends for larger events of over 500 people. The Committee heard that the intention was to use the fields for small private parties, weddings and corporate teambuilding events. It was noted that the fields were previously used as camping and parking for the V festival in Hylands Park and that this approach would provide an alternative revenue income. The Committee heard that the Dixie fields festival held under the existing licence in 2019 attracted no complaints and this demonstrated that future events would be run safely.

The Committee also heard that the venue would not lead to traffic issues on the Margaretting Road, due to its proximity to the A414 and the traffic management plans that directed attendees to that route. The Committee was informed that the venue utilised various local businesses and therefore contributed positively to the local economy. It was also noted that there had been no reports of anti-social behaviour and the event management plan was designed to prevent this from happening. The Committee also heard that this would allow the applicant to not have to apply for lots of separate temporary event notices and would provide the required flexibility.

In response to a question from the Committee, the applicant stated that sound from the event was currently directed away from buildings and any noise levels were well below legal limits.

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 by the applicant. The Committee agreed that the variation was acceptable and that the conditions agreed between the applicant and responsible authorities demonstrated this.

RESOLVED that the Director of Public Places be authorised to grant the variation on the terms applied for and subject to the imposition of the conditions agreed by the applicant with Essex Police and Environmental Protection which are referred to in paragraph 3.2 of the officer's report.

Reasons for Decision

1. *In reaching its decision, the Committee took account all representations made and was satisfied with the steps that the applicant proposed to promote the licensing objectives.*

2. *The Committee had carefully considered the objections to the application, received from two local residents and the Writtle Parish Council. However, it was established law that any decision to refuse an application for a variation of a premises licence had to be evidence based.*

3. *The Committee noted that the applicant had produced a comprehensive event management plan which sought to address the concerns raised by the objectors. Furthermore, the Committee was mindful of the fact that the only responsible authorities who had responded to the application during the consultation stage were (i) Essex Police and (ii) Environmental Protection. The Committee was bound to give due weight to the views /advice of these responsible authorities. Neither of these responsible authorities had an issue with the variation, provided that the two conditions referred to in paragraph 3.2 the officer's report (and which had been agreed with the applicant) were attached to the licence. With the imposition of these two conditions (which made eminent sense to the Committee) the Committee was of the view that, at this point in time, there was no evidence before it to indicate the likelihood of prospective harm if the application were to be granted.*

4. *If, subsequently, there was evidence of noise nuisance, anti-social behaviour, public safety issues etc arising from the use of the premises for the licensable activities then it was open to any person (including responsible authorities) to request a review of the licence under the provisions of the Licensing Act 2003 and the matter would come back before the Committee.*

Informative: Covid 19

The grant of a premises licence or variation to an existing premises licence does not authorise the licensed premises to be used in contravention of any prohibition restriction or limitations on the use of land / buildings imposed for the time being by either Central Government or Local Government under the emergency Co-vid 19 legislation.

The meeting closed at 11.18 am.

Chair