

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. Frasca

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