

Decision Notice – Premises Licence

MEMBERS PRESENT:	Councillor J Baugh (Chairman of the Licensing Sub-Committee) Councillor A Hensman Councillor H Johnson
PREMISES:	Heddingshams United, Lawn Meadow, Oxford Meadow, Sible Heddingham, Halstead, Essex CO9 3QW
APPLICANT:	Heddingshams United
DATE OF HEARING:	Thursday 15th March 2018
DATE OF NOTICE:	Wednesday 21st March 2018

The Licensing Sub-Committee has read the material presented to it and has listened to all the evidence and submissions.

In considering the Licensing Act 2003, the Statutory Guidance issued under Section 182 of the Licensing Act 2003 (April 2017) and the Council's Licensing Policy, the Licensing Sub-Committee has decided to **GRANT** a **Premises Licence** for the above premises as follows:-

Box	Regulated Entertainment	Days and Hours			Place
		Day	Start	End	
E	Live Music May to August (Inclusive)	Sat	11:00	21:00	Outdoors
		Sun	11:00	14:00	
Non Standard Timing: N/A					
F	Recorded Music May to August (Inclusive)	Sat	11:00	21:00	Outdoors
		Sun	11:00	14:00	
Non Standard Timing: N/A					
G	Performance of Dance May to August (Inclusive)	Sat	11:00	21:00	Outdoors
		Sun	11:00	14:00	
Non Standard Timing: N/A					
J	Supply of Alcohol	Sat	11:00	21:00	On the Premises ONLY
		Sun	11:00	14:00	
Non Standard Timing: N/A					
L	Opening Times	Sat	11:00	21:00	
		Sun	11:00	14:00	

The Premises Licence is subject to these conditions:-

(1)	The conditions offered by the applicant in order to promote the four Licensing Objectives as set out in Part M of their application
(2)	<p>The Mandatory Conditions and conditions to be attached to the Licence in accordance with the Operating Schedule and agreed conditions with Environmental Health, Health and Safety and Essex Police (Appendix 2 to the report), subject to the following clarification to be added to the agreed conditions:</p> <p>a) Conditions agreed with Environmental Health: Condition 2 - The addition of “the Responsible Authority for Environmental Health”.</p> <p>“A Noise Management Plan will be supplied to the Licensing Authority at least two months prior to any event for approval by the Responsible Authority for Environmental Health.....”</p> <p>b) Condition agreed with Essex Police: Condition 1 - This to be re-worded to the following:</p> <p>“The organisers shall, for each festival style event or concert, prepare an Event Management Plan to be submitted to the Police and the Local Authority Licensing Team a minimum of three months prior to the event. The Event Management Plan to be approved by Essex Police”.</p> <p>c) Conditions agreed with Health and Safety: Conditions 2, 3, 4, 5 and 8 - The submission of documentation within 21 days is to the relevant Licensing Authority for Health and Safety.</p>
(3)	<p>The following conditions which the Licensing Sub-Committee considered necessary for the promotion of the Licensing Objective of the Prevention of Public Nuisance:-</p> <p>a) Contact details of persons responsible for monitoring and controlling noise from the event, including a contact number for on the day of the event, shall be provided to local residents prior to the event. The Event Management Plan and the Noise Management Plan to be amended to include reference to this condition.</p> <p>b) Signage shall be placed at all entrances/exits to the Licensed Premises and the site for car parking to remind attendees to leave the Licensed Premises in an orderly and quiet manner and to respect the residential nature of the area. The Event Management Plan and the Noise Management Plan to be amended to include reference to this condition.</p>
(4)	The following condition which the Licensing Sub-Committee considered necessary for the promotion of the Licensing Objectives of the Prevention of Public Nuisance and the Protection of Children from Harm:-

- a) All attendees to the event to be issued with and to wear a coloured “security” wristband at all times, with a different coloured “security” wristband being issued to identify attendees under 18 years of age.

Reasons for Decision

During the course of the Licensing Hearing, the representative for the Applicant withdrew a number of elements from the application in light of concerns raised within the representations made; these being:

- The removal of the supply of alcohol for consumption off the premises.
- The removal of the supply of alcohol and regulated entertainment on a Friday.
- The reduction of hours on a Saturday to 9.00pm as the terminal hour for the supply of alcohol and regulated entertainment.
- The supply of alcohol only to take place on a maximum of one day per month (either Saturday or Sunday) inclusive of May, June, July and August per year.

For the avoidance of doubt, as a result of the amendments, the application considered by the Licensing Sub-Committee was for the following:

- Sale by retail of alcohol for consumption on the premises Saturday 11.00am to 9.00pm and Sunday 11.00am to 2.00pm.
- Provision of Regulated Entertainment, namely recorded music (outdoors), live music (outdoors) and the performance of dance (outdoors) on Saturday 11.00am to 9.00pm and Sunday 11.00am to 2.00pm.
- Sale by retail of alcohol for consumption on the premises and the provision of Regulated Entertainment only to take place on a maximum of one day per month (either Saturday or Sunday) inclusive of May, June, July and August per year.

The Licensing Sub-Committee has had regard to the location of the site and acknowledges the residential nature of the area and the concerns the local residents have in respect of noise. The Licensing Sub-Committee is satisfied that there are measures within the Event Management Plan and the Noise Management Plan which address these concerns, particularly as Plans are required to be approved by Essex Police and the Responsible Authorities, who have expertise in these areas.

Notwithstanding the above, concerns have been raised in respect of disturbance caused by noise nuisance and the potential behaviour of attendees accessing the site from the car park and surrounding area, which includes residential streets. Whilst the Licensing Sub-Committee is satisfied by the explanation given on behalf of the Applicant as to how access will be “marshalled” before, during and after the event, it considers that it is appropriate to add the condition requiring signage.

During the Hearing, the representative for the Applicant advised the Licensing Sub-Committee that all attendees would be required to wear a “security” wristband issued upon entry to the site and, in the event that an individual is found not to be wearing a “security” wristband, they will be removed from the site. Upon reading the application, in particular Box M (e), reference is only made to attendees under the

age of 18 years being required to wear a “security” wristband. For the avoidance of doubt, the Licensing Sub-Committee considered it appropriate to add a condition to the Premises Licence to reflect the explanation given during the Hearing and to address the concerns of local residents in respect of the management of the site and attendees.

The question of the need for this application has been raised and the existence of other suitable premises in the area. In accordance with paragraph 13.18 of the Statutory Guidance, the Licensing Sub-Committee cannot take this into consideration when determining the application. Braintree District Council does not have a cumulative impact policy and therefore each application for a Premises Licence is required to be considered on its own merits.

Concerns have been raised regarding the proximity of the site to the children’s play area and the possibility of children being exposed to alcohol and bad behaviour. Whilst outside the application site, the Licensing Sub-Committee is encouraged by the fact that the Applicant intends to monitor the play area as part of the overall management of the event. The Licensing Sub-Committee is also reminded of paragraph 2.21 of the Statutory Guidance and also notes the withdrawal of the part of the application for the supply of alcohol for consumption off the premises.

The Licensing Sub-Committee was persuaded that the Applicant has and will take appropriate action to ensure that the Licensing Objectives are not undermined.

The Licensing Sub-Committee is mindful of the community purpose in which this application has come forward and would encourage the Applicant and its representatives to continue to work with the local community, in particular the residents immediately surrounding the site.

The Licensing Sub-Committee would also advise the Applicant to contact North Essex Parking Partnership (NEPP) to seek guidance on any on-street parking restrictions which could be applied during events.

Right of Appeal

If you wish to appeal against the Council’s decision, you must do so in writing within 21 days of being notified of the Council’s decision to the Magistrates Court. A fee must be paid to the Magistrates Court and your application should be sent to the:-

Chelmsford Magistrates Court
Court Administration Centre
P.O. Box 10754
Chelmsford
Essex
CM1 9PZ

Telephone: 01245 313300.

Email enquiries: esosprey@hmcts.gsi.gov.uk

For further guidance on Appeals to the Magistrates Court please contact the Magistrates Court, or seek independent legal advice.

Right to Request a Review

At any stage following the grant of a Premises Licence, you may be able to ask the Licensing Authority to review the Premises Licence. You will need to complete an application form which can be obtained from the Council or from www.gov.uk. An application for a review must be about the effect that the Premises Licence is having on at least one of the four licensing objectives. Further information about reviews can be found at www.gov.uk.