

## Licensing & Appeals Sub-Committee – 3 December 2021

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Minutes of the meeting of the **Licensing & Appeals Sub-Committee** held on **3 December 2021** when there were present:-

Chairman: Cllr P J Shaw

Cllr Mrs J E McPherson

Cllr Mrs L Shaw

### OFFICERS PRESENT

A Law	- Assistant Director, Legal & Democratic
S Worthington	- Principal Democratic and Corporate Services Officer
S Greener	- Principal Licensing Officer
K Hines	- Democratic Services Officer

### ALSO ATTENDING

K Drain, Essex Police  
R McManus, Essex Police

### 14 PROCEDURE DOCUMENT

The Sub-Committee noted the procedure to be followed in hearing the appeal.

### 15 LICENSING ACT 2003 – LICENSING APPLICATION

The Sub-Committee considered the report of the Assistant Director, People & Communities setting out details of an application for a Temporary Event Notice (TEN) made under Section 100 of the Licensing Act 2003 in respect of an event to be held at Crouch Valley Showground, Rayleigh on 11 December 2021 from 1230 hours until 2359 hours.

The Sub-Committee noted that the applicant was not in attendance at the hearing and had indicated that they wished to withdraw the application; however, no written confirmation had been received and thus the hearing had to continue.

The Sub-Committee further noted that the venue was not a licensed premises and therefore no conditions could be attached to a Temporary Event Notice.

During the course of the hearing, the following points were noted, in response to questions:-

- The application could only be judged on the basis of the information received. It was noted that on page 4.10 there was a statement that if false information is given there could be an offence.
- The applicant had ticked the wrong box on the application form, set out on page 4.21 of the report; the event would not be held on Rochford District Council land.

- Although the application included a description of a Winter Wonderland event for under 18's, an advertisement for the event, as set out on page 4.20 of the report, referred to 'strictly over 18's'.
- It was not possible to determine if security staff had DBS checks as no certificate numbers were listed with the application.
- This was the third application that had been received from the applicants for this venue for the same date. Essex Police had also objected to the two previous applications, which were subsequently withdrawn by the applicants. The previous two events were for evening, garage-type events, with the sale of alcohol.
- The site entrance was off the busy, A1245 road. There was no pedestrian access and no public transport to the site. If the weather conditions were inclement the site could become muddy and this could cause health and safety issues with mud being dragged onto the busy road or with vehicles stopping to let out passengers, etc.
- There was a known shortage of taxis locally and attendees were therefore likely to try to walk off the site on foot where there was no footpath and no lighting, leading to a further health and safety risk. There were no details of any shuttle bus service included with the application. Even if this was provided, this would not address the public highway safety issues.
- Tickets were still available online to purchase advertised currently as a winter, garage-themed event for 18+ from 1900 – 0200 hours.

The Sub-Committee determined that the proposed 'Winter Wonderland' event to be held on 11 December 2021 under the proposed Temporary Event Notice would undermine the licensing objectives of public safety and protection of children from harm for the following reasons:-

### Public Safety

The Police had stated that it was unclear if the main ingress/egress of event goers - both by vehicle and on foot - would take place during peak traffic hours and access onto the site itself could prove difficult during poor or wet winter conditions. The event management plan lacked detail as to how many vehicles would be able to park on site and the condition of the road surface/parking area. The applicant was not in attendance to provide the Sub-Committee with further details and clarification on issues raised by the Police.

The Sub-Committee agreed with the concerns raised by the police that event goers would be unfamiliar with the road layout; given there are no footpaths along the A1245, with a speed limit of up to 70mph there would be a risk to the safety of pedestrians. Those who walked the route would be at risk of harm from falls or becoming disorientated especially if intoxicated. In addition, if there were poor weather conditions there could be deterioration of the site if

the ground was muddy or churned up, If the ground was wet and there were a large number of vehicles accessing the site this could cause mud to be dragged onto the public highway. These issues were not adequately address by the applicant in their event management plan (EMP).

Prevention of Harm to Children

The Sub-Committee was not satisfied that the applicant had in place enhanced DBS checks, in order to protect the welfare and physical safety of children attending the event. The application did not include any necessary DBS certificate information nor did the EMP address this issue.

For these reasons the Sub-Committee determined that a counter notice should be served in order to promote the licensing objectives of public safety and the protection of children from harm.

**Resolved**

That a Counter Notice be served in order to promote the licensing objectives of public safety and the protection of children from harm. (ADPC)

The meeting commenced at 2.00 pm and closed at 2.48 pm.

Chairman .....

Date .....

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