

Unconfirmed



Minutes of a Meeting of the **Licensing Sub-Committee** held in the Deben Conference Room, East Suffolk House, Melton, on **Wednesday, 31 August 2022 at 10.00am**.

Members of the Sub-Committee present:

Councillor John Fisher, Councillor Colin Hedgley, Councillor Rachel Smith-Lyte

Officers present:

Louise Burns (Environmental Health Officer), Martin Clarke (Legal Advisor), Leonie Houlton (Licensing Officer), Matt Makin (Democratic Services Officer (Regulatory)), Jemima Shaw (Trainee Solicitor), Alli Stone (Democratic Services Officer (Governance))

Others present:

The notice giver, The notice giver's business partner, The event organiser, The event organiser's mother, John Corkett (Licensing Officer, Suffolk Constabulary), Inspector Claire Simons (Suffolk Constabulary)

Announcement

The Democratic Services Officer (Regulatory) opened the meeting and advised that there had been a change to the membership of the Sub-Committee as set out on the published meeting agenda.

Councillor Tony Cooper, who had been listed as a member of the Sub-Committee on the agenda, had given his apologies and was not in attendance. Councillor John Fisher, who had been listed as the reserve member on the agenda, took Councillor Cooper's place on the Sub-Committee.

1 Election of a Chairman

On the proposition of Councillor Hedgley, seconded by Councillor Fisher it was

RESOLVED

That Councillor Rachel Smith-Lyte be elected as Chairman of the Sub-Committee for this meeting.

2 Apologies for Absence

Apologies for absence were received from Councillor Tony Cooper, who was replaced on the Sub-Committee by Councillor John Fisher.

3 Declarations of Interest

No declarations of interest were made.

4 Declarations of Lobbying and Responses to Lobbying

No declarations of lobbying were made.

5 Suffolk Constabulary and Environmental Health Objection to a Temporary Event Notice

The Committee received report **ES/1270** of the Licensing Officer, relating to objections made by Suffolk Constabulary and the Council's Environmental Protection team to a Temporary Event Notice (TEN).

The Licensing Officer advised that a TEN had been given by Mr E for the premises known as Becks Green Farm to allow alcohol sales under the Licensing Act 2003; this was for an event to be held between 9 and 11 September 2022.

The Sub-Committee was informed that the hearing was required as valid objection notices had been received from both Suffolk Constabulary and the Council's Environmental Protection team within the required statutory period. Suffolk Constabulary had also provided two additional videos in support of their objection notice and the Licensing Officer confirmed that these videos had been provided to both Mr E and the Sub-Committee in advance of the meeting.

The Sub-Committee was asked to consider the objections and either allow the notice to have effect or issue Mr E with a counter notice if it considered it necessary for the promotion of the prevention of public nuisance objective, stating the reasons for its decision. The Sub-Committee was asked to state its reasons when announcing its decision.

The Licensing Officer stated that depending on the decision of the Sub-Committee, any relevant persons may appeal to the local Magistrates' Court within 21 days and no later than five working days before the day of the planned event.

There were no questions to the Licensing Officer from the Sub-Committee or Mr E.

The Chairman invited questions to the Licensing Officer from the Legal Advisor.

The Licensing Officer confirmed that the TEN was in relation for a bar at a private party.

The Chairman invited the notice giver Mr E, as well as his business partner Mr M, to make their representation.

Mr M said he and Mr E were aware of the long history with Becks Green Farm holding an event and considered that as the circumstances of the event had changed the TEN raises no concerns and would encourage a safer atmosphere at the event, seeing no reason why it could not take place.

Mr M said that he and Mr E had experience running bars at similar events, including some with significantly higher numbers than expected at the Becks Green Farm event. Mr M said that having a bar at the event would control how much people drank and that the business added that the number of people being reduced to 150 would facilitate a smoother and easier operation to control. Mr M added that the bar would be plastic only.

The Chairman invited questions to Mr E and Mr M from the Licensing Sub-Committee.

Mr M confirmed that the bar would be a wooden construction in a controlled area of the site. Mr M added that he had been advised all the invitees were over 18 years of age and sat in the 20-30 age range. Mr M stressed that the business would follow all required regulations and would not serve alcohol to intoxicated persons and would monitor behaviour.

Mr M considered that the access to and from the site was similar to a site in Leeds where the business had provided a bar; Mr M suggested that the event organisers could provide further information on the details of the event.

Mr M said that the most amount of people at an event the business had served was between 1,500 and 1,700 and another event had seen 400 people in attendance.

Mr M stated that he and Mr E had not been required to call the police at any outside events the business had served.

There were no questions to Mr E and Mr M from the Licensing Officer.

The Chairman invited questions to Mr E and Mr M from Suffolk Constabulary.

Mr M explained that there would be three people working the bar at the event and that both he and Mr E were trained as bartenders and aware of what to look for in terms of signs of intoxication and suspicious behaviour. Mr M said that they would act calmly to de-escalate any situation, stopping serving alcohol to intoxicated persons and offering them water and consulting the event organiser if issues continued to escalate.

Mr M advised that he had visited Becks Green Farm but had not conducted a specific site visit. Mr M said that the event organiser had indicated to him the area that would be used for the bar. Mr M was confident that the business could maintain safety on the site in respect of its licensable activities.

Mr M confirmed that the bar would be selling beer, wine and a 6.5% ABV pre-mixed cocktail. In response to a query on the pricing, Mr M said that the business website advertised the cost price of £1.50 per cocktail serving for wholesale and advised that sales of the cocktail at the bar would be in the region of £5 to £6 per serving.

Mr E stated that he held a personal licence and was aware of his responsibilities under the Licensing Act 2003, noting that no children would be present at the event.

Mr E explained that the bar would be in its own area on the site, as marked on the map submitted with the TEN application. Mr M added that the event would be in a closed field.

Mr E said that he and Mr M had not had to deal with difficult behaviour at other events but had experience of dealing with this working in licensed premises. Mr E said that they would be working with the event organiser to ensure public safety.

Mr M confirmed that he and Mr E were not involved in the organisation of music for the event.

The Chairman invited questions from the Legal Advisor.

Mr E defined a classic bar as having a simple selection of products. Mr M added that the wooden construction would resemble a classic bar.

Mr E said this was the first time he had applied for a TEN but the business had served 20-30 public events.

Mr M said the arrangement with the event organiser was a commercial one, although it had become apparent that they shared a mutual friend.

The Chairman invited Suffolk Constabulary to make its representation.

The Suffolk Constabulary Licensing Officer considered the hearing to be an unusual situation as issues relating to TENs could normally be solved via negotiation, expressing that the hearing was required as Suffolk Constabulary held very real concerns about the safety of event.

It was acknowledged that as the event was now billed as private the Sub-Committee could only look at the sale of alcohol at the event and not other issues such as regulated entertainment. The Suffolk Constabulary Licensing Officer asked the Sub-Committee to consider if the supply of alcohol at the event would promote the licensing objectives.

The Sub-Committee was advised that Suffolk Constabulary had been involved with the site since it was first reported that an unlicensed music event would take place on the site in August 2020; this was confirmed following a police investigation, the details of which had been included as an appendix to the Licensing Officer's report.

The Suffolk Constabulary Licensing Officer noted that the field the event was planned to take place in was very remote, with the nearest building being the main farmhouse 800 metres away. The Suffolk Constabulary Licensing Officer advised that had this not been a TEN, other responsible authorities would have been present at the meeting to make representations on why the event should not take place.

The Sub-Committee was informed that responsible authorities, through the SAG, had attempted to assist the event organiser and her family to put on a safe event. However, despite several meetings the Suffolk Constabulary Licensing Officer had no confidence that the event organiser could put on a safe event, considering that

the changes made to the event management plan by the event organiser had been without substance.

It was noted that during the course of police inquiries it had been discovered that event tickets had been advertised for sale online and the event organiser had admitted to the sale of tickets. The Suffolk Constabulary Licensing Officer remained concerned that the event was being run commercially despite being billed as a private event.

The Suffolk Constabulary Licensing Officer reiterated his concerns about the remote location of the event and the vague responses from the event organiser to questions about what would happen if an incident occurred, the latter he said had been a consistent theme since 2020. Suffolk Constabulary was of the view that the site had limited access and police units would struggle to attend the site if an incident occurred.

The Suffolk Constabulary Licensing Officer considered that the event organiser's reasoning that there would be no issues as the event was for family and friends was insufficient as there was still a risk of an incident in an uncontrolled environment. The Suffolk Constabulary Licensing Officer said that the police were looking for the Sub-Committee to remove the supply of alcohol at the event and consider if it would be a safe and well-run event, where people would drink responsibly.

Inspector Simons noted that the TEN would allow up to 499 people at the event and expressed concern that there would be a pocket of the public at an uncontrolled event as tickets had been advertised for sale. Inspector Simons added that the sale hours were for the majority of a 48-hour period.

Inspector Simons considered that as the notice giver was looking to make a commercial profit, this demonstrated that the event was not just to supply alcohol to friends and family and was concerned about the impact of the event on the notice giver's business.

In respect of crime and disorder, Inspector Simons said the party was an unknown event which would add to the demands on Suffolk Constabulary. Inspector Simons outlined that a contingency plan was being put in place for the dates of the event due to the numbers attending and camping on the site with no assurances on sanitation, food and other facilities.

The Sub-Committee was advised there had been no co-operation from the event organiser and her family since the last SAG meeting until the TEN was received by Suffolk Constabulary. Inspector Simons said evidence of disregard for the law and the promotion of raves had been seen from the event organiser.

Inspector Simons summarised the concerns in respect of the number of attendees, the sale of alcohol period, the lack of monitoring, marshalling and security and the impact this would have on police officers required to attend the scene if an incident occurred. Inspector Simons reiterated that a contingency plan was in place for the dates of the events and that Suffolk Constabulary was reviewing preventative legislation to prevent the event from going ahead.

There were no questions to Suffolk Constabulary from any of the parties present.

The Chairman invited the Environmental Protection team to make its representation.

The Environmental Health Officer said that a noise management plan would be expected for an event such as the one proposed and no plan had been received. The Environmental Health Officer stated that this documentation needed to be submitted before the Environmental Protection team could consider withdrawing its objection to the event.

There were no questions to the Environmental Protection team from any of the parties present.

The Chairman invited Miss HW, the event organiser, to make her representation. Miss HW was supported by Mrs AW, her mother.

Miss HW explained that the site was accessible to vehicles and the track leading to it could accommodate fire engines and ambulances.

Miss HW outlined her original plan to hold an event in August 2020 as a socially distanced camping event for university friends given the difficulties they had all faced during the COVID-19 lockdowns; Miss HW said she had considered what was allowed under the COVID-19 restrictions in place at the time. Miss HW admitted she had been naïve about this and following advice from responsible authorities cancelled the event, having engaged with the police investigation at the time.

Miss HW said that she had waited until this year to look at putting an event on and had been in contact with the Council's Health & Safety Manager and having received advice, changed the event from a commercial event to a private event. Miss HW admitted to having missed the last SAG meeting as her access to the internet had failed that day and was disappointed to have done so. Ms HW said she had originally been running the event commercially so that her parents did not have to pay for it.

Miss HW advised that she was providing a bar rather than operating "bring your own alcohol" to control the supply and consumption of alcohol at the event. Miss HW saw no issue with the event and said it was her family's right to have a party. Miss HW said the event would get out of control and that she had gone through all the necessary steps with responsible authorities. Miss HW considered that removing the bar and operating "bring your own alcohol" would not have any benefit to the safety of the event.

Miss HW said that she had submitted significant information on the sound system to be used as part of the event risk assessment and confirmed that speakers would be facing away from buildings. Miss HW said that her family was friendly with all their neighbours and would provide a phone number to call if the noise becomes too loud so it can be turned down.

Miss HW admitted that the ticket sales had been made public but this had been an error, which had been corrected as soon as she became aware of it. Miss HW explained that she had also refunded anyone who had bought tickets thinking it was a public event and had provided evidence of this to the Council's Licensing team.

Miss HW stated that the event site will be lit and any hazards, such as open ditches, would be well-lit to avoid accidents.

It was confirmed that the vehicle entrance to the site would be closed off for the duration of the event. Miss HW was of the view that the longer sale hours would prevent binge drinking. Miss HW said she did not expect people to drink to excess as the nature of the event was for people to catch up with one another.

Mrs AW explained that the site was accessed via a bridleway which could be accommodated by vehicles slowly, which Suffolk Constabulary had observed. Mrs AW noted that when Latitude Festival takes place the music can be heard at their home, but the last time Miss HW had held a music event in the field being used for the upcoming event, she had not been able to hear any noise until approaching the field.

The Chairman invited questions to Miss HW from the Sub-Committee.

Miss HW reiterated that only 150 people had been invited to the event and would be required to show their invitations to a steward to enter the site. Miss HW said that she would have considered hiring security if she had considered it necessary but was of the view it was not necessary for this event. Miss HW said that volunteer stewards would be in place, along with family members, to manage this event.

There were no questions to Miss HW from the Licensing Officer.

The Chairman invited questions to Miss HW from Suffolk Constabulary.

Miss HW reiterated that she would employ security for the event if it were deemed necessary but considered that she did not think this was the case given the size of the event.

Miss HW outlined that the bar would provide first aid and that her parents would be on the site. Miss HW said that first aid could be given on the site until an ambulance arrives if required.

Miss HW confirmed that sound systems would be used on site.

Miss HW said that all profits from the bar would go to Mr E and Mr M's business.

The Chairman invited questions to Miss HW from the Environmental Protection team.

Miss HW outlined that there would be 15 artists performing at the event, three acoustic singers performing during the day and DJs playing disco music in the evening.

In response to a query on a noise management plan, Miss HW said that speakers would be positioned away from the nearest neighbours and that a phone number would be provided to call should the noise get too loud.

The Chairman invited all parties to sum up.

The Licensing Officer had nothing further to add.

Mr E and Mr M had nothing further to add.

The Suffolk Constabulary Licensing Officer noted that the Sub-Committee could not apply any conditions to the TEN, only issue a counter notice, stating that a history of vagueness and assumptions from the event organiser had been presented at the hearing.

Suffolk Constabulary was concerned about a two-day event with alcohol and loud music which will not be controlled adequately, which will cause crime and disorder and compromise public safety. The Suffolk Constabulary Officer said that many responsible authorities had expressed concerns about the event and considered that the event organiser was not competent to run an event safely and asked the Sub-Committee to issue a counter notice.

The Environmental Health Officer said that as a noise management plan had not been submitted, she would support the issuing of a counter notice.

Mrs AW, on behalf of Miss HW, said she was confident that 150 people could be accommodated safely on the site and that her family had hosted 18th and 21st birthday parties on the site, which would have been rowdier than what was proposed to take place. Mrs AW said that the attendees for this event would be sensible young adults.

Mrs AW said that security would have been employed had it been felt necessary but this was a musical event for friends and security was not needed. Mr E and Mr M had been employed to keep the costs of the event down and Mrs AW considered this would moderate the alcohol consumption at the event.

Mrs AW explained that the field would be used for the farm's thoroughbreds after the event so it was in her family's best interests to ensure the field was used responsibly. Mrs AW considered the employment of the bar to be the safest option in this respect and that her family was being victimised. Mrs AW said that organising the event was an opportunity for Miss HW to learn how to organise large events and that she had complied with everything she had been asked to do.

The Sub- Committee adjourned, with the Legal Advisor and the Democratic Services Officer, to make its decision.

On the return of the Sub-Committee, the Chairman read the decision notice as follows:

"This Sub-Committee meeting has been held as Suffolk Constabulary and East Suffolk Council's Environmental Protection Team have raised objections to the Temporary Event Notice (TEN) given by Mr E. Both objection notices were received within the prescribed consultation period after receipt of the TEN, as specified in the Licensing Act 2003. The police objection is based upon the licensing objective of the prevention of crime and disorder and the Environmental Health objection is based upon the licensing objective of prevention of public nuisance.

The Sub-Committee heard from the Licensing Officer, who summarised the report, the notice giver, Suffolk Constabulary, Environmental Protection, as well as the event organisers.

The notice giver indicated that he was running a start-up business which had operated at between 20 and 30 events but this was their first TEN. The notice giver stated that he was going to operate a classic bar, offering beer, wine and 6.5% pre-mixed cocktails, with three people operating the bar. The notice giver outlined how they would deal with any argumentative or drunk people, by offering them water or referring the matter to the event organiser. The notice giver also indicated he had a Personal Licence, had held it since 2021 and was aware of his responsibilities under the Licensing Act 2003.

Suffolk Constabulary indicated they were objecting on the grounds of the prevention of crime and disorder. Suffolk Constabulary stated that they had concerns regarding the event as a whole and were of the view that the event organisers had not been completely open with them as to the nature of the event, giving an example of tickets to the event being sold on a commercial website. In addition, numerous Safety Advisory Group (SAG) meetings had taken place and it was felt that the event organisers had not fully co-operated and taken heed of the advice given to them.

Suffolk Constabulary held concerns regarding the site's location and access; although the event organiser had indicated that 150 people would attend, the TEN would allow up to 499 persons to attend. In addition, Inspector Simons indicated that if this event went ahead, it would be treated as an unknown event and this would cause a drain on police resources as a contingency plan would be required. Suffolk Constabulary did not have confidence in the event organiser's ability to run a safe event.

Environmental Protection also had concerns regarding noise and safety issues at the event but acknowledged this was beyond the remit of what the Sub-Committee was considering.

The event organiser stated that initially she wished to run a small commercial event in 2020, however due to COVID-19 restrictions the event could not go ahead. The event organiser wished to run a small event to celebrate the end of university, as everybody had experienced a difficult time during COVID-19 restrictions. The event would be on a small field with controlled access via two entry and exit points. In relation to noise, the event organiser's mother indicated that they could hear Latitude from their house, but when a previous music event took place on their field, they could not hear it. The event organiser suggested that security was not necessary as only 150 people were attending the event; the event organiser also stated that a paid bar was safer than a "bring your own alcohol" event as it would provide greater control on who was drinking how much.

Sub-Committee's decision

The Sub-Committee has decided not to issue a counter notice in this matter.

Reasons for Decision

It must be made clear that this hearing and determination only relates to Mr Enderby's TEN and the Sub-Committee's powers in relation to this under the Licensing Act 2003. We make no determination on any other aspect of the event planned on the site and this decision is not intended to prejudice any action that any responsible body wishes to take in relation to this event.

The Sub-Committee notes the responsible bodies' concerns and takes into account paragraph 9.12 of the Statutory Guidance, which indicates that the Licensing Authority must consider all relevant representations from responsible authorities carefully as they are experts in their respective fields.

The responsible bodies' representation and evidence focused on the event organisers and these other issues are not matters for determination by this Sub-Committee. The Sub-Committee considers that in relation to the narrow issue as to whether the notice giver can promote the licensing objectives in relation to the supply of alcohol, the evidence supplied by the responsible bodies does not indicate that the notice giver cannot promote these objectives.

Whilst the Sub-Committee notes that the notice giver has limited experience, it does not consider this is sufficient grounds to issue a counter notice.

Anyone affected by this decision has the right to appeal to the Magistrates' Court within 21 days of receiving notice of the decision and at least five working days before the date of the event.

Date: 31 August 2022"

Note: The meeting was originally closed at 12.26pm, but was reopened after it became apparent that due to a technical issue the notice giver and Licensing Officer, attending remotely, had not been able to hear the Chairman reading the decision notice. The Chairman read the decision notice in full for a second time before closing the meeting.

The meeting concluded at 12.34pm.

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Chairman