



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

Minutes of a meeting of the Licensing (Statutory) Sub-Committee held at 10:00am on Monday 18 July 2022 in the Council Chamber at The Grange, Nutholt Lane, Ely, CB7 4EE.

PRESENT

Cllr Alec Jones
Cllr Alan Sharp (Chairman)
Cllr Jo Webber (Substitute for Cllr Lavinia Edwards)

OFFICERS

Lin Bagwell – Licensing Officer
Maggie Camp – Director Legal Services & Monitoring Officer
(Legal Adviser)
Tracy Couper – Democratic Services Manager & Deputy
Monitoring Officer
Caroline Evans – Democratic Services Officer
Karen See – Senior Environmental Health Officer
Angela Tyrrell – Senior Legal Assistant
Adeel Younis – Legal Assistant

IN ATTENDANCE

Cllr Anna Bailey (District Councillor)
Anne Brown (Objector)
Sgt Ian Brown (Cambridgeshire Constabulary)
Oliver Brown (Objector)
Deborah Curtis (Objector)
Cllr Lorna Dupré (County Councillor)
Jane Gilliead (Applicant's Agent)
Clair Mackness (Objector)
PC Clare Metcalfe (Cambridgeshire Constabulary)
Chris Nye (Objector)
Catriona Roscoe (Objector)
Catherine Runciman (Objector)
Ross Taylor (Applicant)
Nicolette Woodhead (Objector)

10 members of the public.

1. ELECTION OF CHAIRMAN

Cllr Alan Sharp was nominated as the Sub-Committee Chairman by Cllr Jo Webber and seconded by Cllr Alec Jones.

There being no other nominations, it was resolved:

That Cllr Alan Sharp be elected as the Chairman of the Licensing (Statutory) Sub-Committee for the 2022-23 municipal year.

Cllr Sharp welcomed members of the public and press attending in-person and those watching on the livestream. Participating Officers, Members, Responsible Authorities, the applicant, and the applicant's agent were all introduced and the

Chairman explained the procedure that would be followed, with reference to the Hearings Procedure that was included in the agenda papers. He highlighted that the legislation allowed for up to 5 days for the Sub-Committee to communicate their decision, although they would hope to do so sooner than that.

2. APOLOGIES AND SUBSTITUTIONS

Apologies for absence were received from Cllr Lavinia Edwards.

Cllr Jo Webber was attending as a substitute.

3. DECLARATIONS OF INTEREST

No declarations of interest were made.

4. APPLICATION FOR THE GRANT OF A NEW PREMISES LICENCE – LICENSING ACT 2003 BROOK HOUSE, 49 BROOK STREET, SOHAM, CB7 5AD

This agenda item had been withdrawn.

5. APPLICATION FOR THE GRANT OF A NEW PREMISES LICENCE – LICENSING ACT 2003 WILLOW FARM, PYMOOR COMMON, PYMOOR, ELY, CB6 2WA

Senior Licensing Officer's Report

The Sub-Committee considered report X42 (previously circulated) regarding an application for the granting of a premises licence in respect of Willow Farm, Pymoor Common, Pymoor. The Licensing Officer attending on behalf of the Senior Licensing Officer drew attention to the additional Appendix 5a (representation form from Environmental Health) that had been circulated after publication of the agenda. She also explained that amendments supplied by the applicant after publication of the agenda and prior to the meeting date had been circulated to all parties and would be presented alongside the report.

On 20 May 2022, Big Skye Venue Ltd had applied for a premises licence (under section 17 of the Licensing Act 2003) for Willow Farm, Pymoor Common, Pymoor. The requested licence would permit an area of land to hold festivals and events for up to 4999 persons, including bespoke and seasonal events. The requested hours detailed in section 3.3 of the report had been revised by the applicant since submission to be 10am – 2am Monday to Sunday inclusive, with extended hours of 10am – 4am on up to six occasions per year with 10 weeks' prior notice.

During the 28-day consultation period, valid representations had been received from two Responsible Authorities (the Police and Environmental Health), 214 objectors and two supporters. A summary of the objecting representations had been included in Appendix 6 of the report and the full representations were available at the meeting, all other representations had been provided in full as appendices to the report.

Licensing Officers did not believe that Willow Farm held the appropriate Planning Permission for the proposed activities, and it would therefore rely on the provisions of Part 4 of Schedule 2 of the General Permitted Development Order for temporary

use of land for up to 28 days in any calendar year. However, the existence / lack of suitable Planning Permission was not a reason on which to base a licensing decision.

Members were reminded that the application should be determined with a view to promoting the four licensing objectives: the prevention of crime and disorder; the prevention of public nuisance; public safety; and the protection of children from harm. Members were required to have regard to the Council's Statement of Licensing Policy and the Statutory Guidance issued under section 182 of the Licensing Act 2003 when making their decision. The contents of the report and all evidence from all parties would need to be considered and, if the licence was granted, any amendments must promote the licensing objectives. The Sub-Committee's published decision would need to include the reasons for the decision and must balance the rights of the applicant and the rights of those who may be affected. The decision must be appropriate and proportionate, and Articles 1, 6, 8 and 14 of the Human Rights Act 1998 needed to be taken into consideration. The applicant or any party who had made relevant representations in relation to the application could appeal the Sub-Committee's decision at the Magistrate's Court. The right of appeal was 21 days from the date of notification of the decision and there would be costs associated with the process.

In response to a request from the Chairman, the Licensing Officer confirmed that the amended hours sought by the applicant were:

- 10:00am to 2:00am Monday to Sunday
- On six occasions per year (with 10 weeks' notice): 10:00am to 4:00am.

The applicant confirmed that to be correct.

There were no further questions for the Licensing Officer from any parties.

Statement from Applicant and Applicant's Agent

The Agent explained that the premises was the applicant's family home and was in a predominantly rural location serviced by a main B-road. The applicant was a prominent businessman with several successful enterprises that had provided employment in the area and he had no intention of causing problems for local residents. He had a vision to make use of an unused building on a site with a large amount of parking and a secure external area and the original application had reflected the nature of the preliminary business idea. They had since tried to add as much information and transparency as possible to alleviate the local concerns that had arisen. The aim was to create a venue for all, and the business would create local employment as well as attracting artists and individuals that were not currently catered for in the area. She emphasised that no specific information could be given at this early stage regarding the types of events that would be hosted but invited Members to consider the range of possibilities outlined in the application. There were several self-limiting conditions in the application to promote the licensing objectives.

The proposed hours had been reduced, as explained by the Licensing Officer, and additional conditions had been proposed. In addition, the Agent offered to show Members a training pack as well as a full event management plan that they had not submitted earlier because they had not wanted it to be published online for general viewing since it would be a commercially sensitive document. The Director Legal Services advised the Sub-Committee that a new document could not be considered unless all parties were in agreement. The Chairman explained that the legislation

allowed for submission of documents until midnight prior to the meeting, but documents submitted at the meeting that had not been seen by all parties in advance required consent in order for them to be admissible. Sgt Brown stated that the Police would not be willing to receive the additional document at this late stage, therefore the Chairman ruled that it was inadmissible.

The Agent then stated that the noise and light impact assessments for an earlier planning application on the site gave some insight into those aspects. Personal licence applications for two individuals were ongoing and the four licensing objectives were fully promoted and some additional conditions had been circulated to all parties the previous week. They would work with the necessary authorities on appropriate timescales. Larger events would be likely to have 9-12 month lead times, whereas smaller indoor events such as evening speakers or wedding receptions would not affect the outside areas. Risk assessments and event management plans were in place and, in line with Section 182 guidance. In concluding, the agent asked that the application be considered on its individual merits.

The Applicant stated his willingness to answer any questions, and emphasised that his family had owned the farm for generations and built a business employing 110 local people when the factory had been on the site. He had built other businesses that now employed 600 people and knew how to run a successful business. Since the site was his family home he did not want any issues with drugs or crime, and he disagreed with some other concerns raised. For example, he considered B-roads to be very suitable, there were many footpaths throughout the area and, as an agricultural place, the roads were regularly used by lorries. He commented that the nearest hospital was only 30 miles away. Farming was changing and diversifying, and the proposal would be a good addition to the area where there was a lack of events. There was no intention for daily events but flexibility was needed in the licence as the key to making the business successful. The idea for the venue had arisen after raising £3m of aid for Ukraine and he wanted to continue to raise money for charities. Technology was available to stop noise travelling outside and the building was well-insulated.

In response to questions from the Sub-Committee Members, the applicant and agent gave the following additional information:

Proposal: The intention would be to hold family-fun events and attract famous performers to the area. There was a long-term vision for the business. Examples of potential events included ice skating, plays for children, a winter wonderland, weddings, and a Tom Jones concert.

Some events would include alcohol and others may not. The licence would give flexibility without needing to apply for a Temporary Events Notice. The Event Management Plan included details of traffic management, safety, and details regarding the objective “the protection of children from harm”.

No work had been undertaken with statutory consultees because the business idea was in its infancy. The intention was to work with the relevant authorities once the licence was in place, to avoid wasted work on risk assessments etc should the licence not be granted. The application had been accepted by the Licensing Authority as duly-made. [The Licensing Officer explained that validation of an application could not be considered to

indicate that the application upheld the licensing objectives. Section 182 guidance suggested that prior guidance from responsible authorities would be encouraged.]

- Timings: A likely schedule or frequency of events could not be provided at this stage, hence the need for flexibility. The extended hours had been requested in order to accommodate artists' schedules. The requested hours had been amended in part because promoters had asked for more specific timings, and in part to reassure local people. The proposed number of extended hours events had been halved to allay local fears of festivals. The ultimate goal was to rebuild the factory, which had been destroyed by fire, and therefore there would be no desire for daily events. There were no plans for multi-day events.
- Venue size: The factory had previously held large events without incident, such as 1000 attendees to see Princess Anne. The building would comfortably hold 4-5000 people.

Internal infrastructure would be added to the current building to accommodate different types of events, if the licence was granted.

Once rebuilt, the factory would be a separate building on the same site.

- Traffic management and parking: The site currently had 10 acres of hardstanding and would expect to accommodate approximately 1000 cars as a minimum. All parking and traffic management information would be submitted well in advance for each event.

The events would generally be run in the evenings and the parking would therefore be unaffected by the opening hours of the factory once rebuilt. Regarding the lack of street lighting, and the safety of those leaving events, the applicant did not consider that people would want to walk home from the site. In addition, events would be limited by the time of year and he did not anticipate many in the winter months.

The site would close 30 minutes after the 2am finish time. No calculations had been performed to determine the time that would be needed for all vehicles to leave the site after an event. These details would be included on individual event management plans and staff training would include facilitating departures. Any impact on the wider area would be monitored and would be addressed if issues arose; the proposal was intended to be positive for the area.

Advice would be taken from experienced professionals regarding how visitors should access the site for large events and this would be documented and submitted to the relevant authorities. Buses from local villages could be a possibility, and local taxi firms would benefit from increased business. The applicant considered that people tended to find their way to events and solutions could always be found to problems. In response to a query from the Chairman, the Licensing Officer explained that the premises licence holder would have responsibility for ensuring that all conditions were met, including those related to traffic management. The

agent clarified that the applicant understood they would have responsibility, they would however employ experts for advice.

- Site safety: The public right of way through the site was a roadway to the farm's sugar beet pad and was rarely used by the general public. However, as a pedestrian route to Little Downham, it could give an alternative route to the site. The applicant did not foresee any issues regarding the presence of the right of way.

The overhead cables crossing the site were no longer present since they had been buried the previous year.

Some of the site was currently fenced, and Heras fencing could be added as needed to prevent trespass on neighbouring land and mitigate the risks associated with the nature of the land and ditches.

- Noise / light: The submitted documents relating to noise and light impacts were for the crisp factory. No research had been undertaken regarding the noise or light impacts of the proposed activities on nearby villages although a consultant could be employed to do that. The 10am-2am activities were expected to be events such as indoor weddings and therefore there would be no noise impact since the building was appropriately insulated. The larger events with the 10am-4am timings would necessarily be planned around a year ahead and all relevant information would therefore be submitted well in advance. Some external lighting was already in place for employees' safety.

The Sub-Committee Members all commented that they needed to consider the application before them, which was for 10am to 2am seven days per week, even if the applicant did not intend to offer daily events. In response, the agent stated that there was a review process that would enable a licence to be removed if its conditions were not adhered to.

Cambridgeshire Constabulary asked whether any Safety Advisory Groups (SAGs) had been approached for free advice to help with aspects such as the traffic management plan. The agent stated that although she had prior involvement with SAGs none was related to this application. The Licensing Officer added that it was the responsibility of the applicant to satisfy the Licensing Authority and Responsible Authorities for each event in respect of parking, traffic management, lighting etc, and licensing conditions to that effect would need to be satisfied on each occasion if a licence was granted.

There were no further questions for the applicant and agent from any other parties.

Statement from Environmental Health

The Senior Environmental Health Officer drew Members' attention to the additional appendix that contained Environmental Health's representation form and had been circulated to all parties after publication of the agenda papers.

She explained that the application had raised concerns due to its lack of information to provide reassurance that the promotion of the "prevention of public nuisance" objective had been properly considered. Insufficient detail had been given regarding the likely number and nature of events, the relative numbers of large-

scale and smaller events, the relative numbers of events with live or recorded music and those without noise impacts, or whether events would be internal or external. Consequently, the application had been considered regarding the worst-case scenario of potential impact.

It was considered that the means to control music noise levels from a larger-scale event were inadequate. The procedures and timescales for liaison with the SAG were unworkable. The additional information provided after the agenda publication had indicated the use of a building but insufficient details had been given to enable assessment regarding noise levels or mitigation. The lighting and noise impact information that had been supplied was irrelevant since it related to the redevelopment of the factory. Nonetheless, it did acknowledge the very low existing background noise levels in the vicinity of the site, particularly during the night. Consequently, adequate means to control noise would be essential, especially during the early hours. The applicant's additional information had indicated a willingness to work with an acoustic expert and to use noise-limiting devices for external entertainment. Whilst this was encouraging, the SAG would expect that an acoustic expert be used for large-scale events, and noise-limiting devices were not appropriate for sound control externally. Overall road traffic impact was also a consideration under licensing objectives.

The information provided regarding special effects did not include suitable control measures and therefore raised further concerns.

The amended hours and additional information from the applicants were acknowledged, but all concerns previously raised in relation to the application remained relevant.

In answer to a question from a Member, the Senior Environmental Health Officer explained that there were several options for limiting noise impact for external events, all of which usually required a qualified acoustics expert.

Statement from Cambridgeshire Constabulary

PC Clare Metcalfe outlined the objections from Cambridgeshire Constabulary to the application. Although she recognised that pre-application consultation was not a requirement, she emphasised that it would have been helpful in order to aid understanding. The submitted application was very wide-ranging and lacked any detail regarding the nature or frequency of events that the business sought to host. The application therefore had to be considered at the maximum extent of the licence: all regulated entertainment activities and late-night refreshment including supply of alcohol 10am to 2am on 365 days a year, including 6 occasions with the later finish time of 4am.

The Police were concerned that the proposed timescale of 14 days for submission of the Event Management Plan would be insufficient and the potential frequency of events made the management of submitted paperwork unmanageable.

There were outstanding concerns regarding the potential public nuisance to locals caused by the presence and noise of event traffic, the public nuisance to nearby properties and villages from event noise, and traffic management issues caused by event-related traffic.

The lack of an Event Management Plan was a considerable omission since it would have enabled the relevant authorities to assess the previous experience and competency of the event organiser. The example document was not relevant since a pop-up cinema event was not comparable to the large-scale events that would be permitted under the licence applied for. A site-specific plan would be needed that included details such as security arrangements, emergency access, traffic management, and safety considerations for a rural location in an area with water-filled drainage channels and no street lighting or pavements. Experience showed that insufficient on-site parking at large events resulted in roadside parking along routes to the event and caused obstructions and access issues as well as conflicts with residents. A Traffic Management Plan was a key component to the success of any event and therefore its omission was a serious concern.

It was impractical to attempt to compile suitable conditions to ensure the promotion of the licensing objectives for an application with such little detail regarding exactly what the premises licence would be used for and with what frequency. The Police called for the application to be refused.

There were no questions for the Cambridgeshire Constabulary.

Statements from Objectors

The Chairman explained that individual objectors who had registered to address the Sub-Committee would be heard in alphabetical order, following the statements from the District and County Councillors and the representative of the Willow Farm Objection Group. The full text of the written representations from each objector was shown on the projector screen as they made their oral statement.

Cllr Anna Bailey (District Councillor for the Downham villages, which included Pymoor, Coveney and Little Downham) stated that there was strength of feeling from local people regarding the application under consideration and she was in attendance to amplify those voices and be assured that the applicant would uphold the licensing objectives. There was too little information to provide that assurance, and the application had to be treated on the basis that it could be used to its fullest extent. Crime and disorder in the local area was currently very low but it would inevitably increase with many of the proposed event types when combined with alcohol. No information had been given regarding mitigations. There would be noise and light pollution as well as disturbance from vehicles. The potential for public nuisance from noise travelling across the flat rural area was significant and would affect Pymoor, Little Downham and the Drovers. Regarding public health, no information had been provided about toilets, waste, or welfare and first-aid facilities.

The site had poor road links and no footpath or cycleway. The vast majority of attendees would need to use motor vehicles to reach the venue and the B1411 was ill-equipped to deal with the volume as were the roads from the A142 through Coveney and Wayhead. Although the applicant considered that the site had 1000 parking spaces, no details had been given and there was no confirmation that 1000 spaces would be sufficient. The road between Little Downham and Pymoor could not accommodate parked cars, and additionally the potential volume of traffic leaving the site in the early hours was a concern.

Due to the lack of information in the application, it would be impossible for the Licensing Authority to apply conditions to address the concerns of the objectors.

Addressing the applicant, she stated that the plan was not ready for a licensing application and she suggested that he should apply once the business idea was clear and could be properly addressed. At that stage it may garner support.

Cllr Bailey agreed with a comment from the applicant that an alternative route to the venue would be from the main road to Wisbech.

A Member asked Cambridgeshire Constabulary whether they had the resources to manage the potential traffic issues raised by Cllr Bailey. Sgt Brown explained that resource availability would depend on what else was happening within Cambridgeshire on each event date. He added that experience showed that people would attempt to park along verges when attending events. Since there were no parking restrictions along the roads near the site the police would be unable to take action unless a road was obstructed.

Cllr Lorna Dupré (County Councillor for the Division that included Pymoor and Little Downham, and also representing CPRE – The Countryside Charity) emphasised that granting the premises licence would allow the applicant to offer daily events from 10am to 2am, as well as six events from 10am to 4am. It was regrettable that there had been no prior consultation with the Council or Statutory Consultees, and the application had caused concern and distress in the local community. Many of those concerns could not be taken into account when considering the premises licence application since only licensing issues could be considered. However, if a planning application for change of use was submitted in future then some of the concerns would be relevant at that stage.

Speaking as a County Councillor, she raised concerns about crime and disorder and questioned whether there would be sufficient police resources available. She noted that the potential 4999 attendees would be more than the total population of the parish. With alcohol available and no public transport or plan for how attendees should reach/leave the venue, there was the potential for an increase in drink or drug-driving and consequently an increased risk to public safety. Although taxis had been mentioned, there would be insufficient local taxi capacity for all events. The road through Little Downham was already busy and congested so increased traffic would be hazardous and a public nuisance. The roads through Coveney and Wayhead were unsuitable and the road from the A1101 could not accommodate large volumes of traffic. The speed limit past the site was 60mph and there were no footpaths, in addition there could be parking along the verges during an event, all of which presented a risk to public safety. The area was very flat and noise and light already travelled a great distance; the proposals would worsen the situation. In short, there were real and justified concerns regarding the nature of the application and the potential volume of visitors in an area ill-equipped to cope with the influx.

Speaking on behalf of CPRE – The Countryside Charity, she highlighted the unsuitability of the remote location, the lack of public transport, the narrow roads, and the numbers of visitors expected. There were few hedgerows or other boundaries and therefore there were concerns about visitors straying into fields and damaging crops or falling into drainage ditches. There were also fears of householders being abused or attacked if they challenged noisy revellers. The proposals would result in an excessive noise and light nuisance and the CPRE drew attention to the WHO guidelines for community noise and the effect of noise

on the ability to sleep. No information had been provided regarding the protection and safety of children.

There were no questions for Cllr Dupré.

Clair Mackness spoke on behalf of the Willow Farm Objection Group which had over 200 members, and a number of independent objectors who had asked her to represent them in their absence. She stated that members of the group would be profoundly affected by the granting of the premises licence. There was disappointment that the well-known applicant had not consulted the local community in advance, and there were multiple concerns about the impact of the proposed licence on the local community. Ely and surrounding area had been rated as one of the top 5 safest small towns in Cambridgeshire in 2021 and this would be at risk since crime statistics indicated that criminal activity often increased around large public events. The site was in a rural area with narrow roads that were in poor repair and without footpaths, and there was almost no public transport. An influx of vehicles on the scale suggested for the proposed events would dwarf the normal traffic and be very disruptive. There had been no consideration from the applicant for the profound negative impact that the events would have on the rural surroundings. The area was very quiet and residents valued the peace, particularly at night. A residential home for dementia patients was less than 1 mile from the venue and would be negatively impacted. There would also be a negative impact on the natural environment of the nearby Ouse Washes. The applicant had stated that an aim was to host charity and fundraising events, however these could already be organised using Temporary Events Notices. The application as written was overwhelmingly opposed by the local people; they, and the area in which they lived, would be adversely affected by the granting of the licence.

There were no questions for Clair Mackness.

Anne Brown referred to her written representation and stated that many of her concerns had already been raised. However, she highlighted the inclusion of alcohol sales for consumption off the premises (Section 3.3 of the Officer's report) and questioned why that would be necessary. The Licensing Officer explained that a licence only permitting on-site consumption would require clear delineation regarding on-site and off-site. The inclusion of the off-site provision would, for example, enable alcohol sold inside the building to be consumed outside and, if planning permission for camping was applied for and granted, campers to purchase alcohol for consumption in their tents. There would be nothing to stop people taking alcohol entirely off-site. The Cambridgeshire Constabulary added that, should an adjacent field be given permission for camping, and alcohol be consumed there, the overall footprint would be very large.

There were no questions for Anne Brown.

Oliver Brown, son of the previous speaker, agreed that most of his concerns had already been raised but stressed that he was concerned about his mother and the many other elderly and young residents who would be negatively impacted by the unreasonable events that were proposed. He anticipated that crime and disorder would increase, and drink-driving and high volumes of traffic at night were a worry, as was increased litter. There was no public transport and no footpaths in the area. Regarding sound pollution, he described an experiment he had undertaken to determine that the sound from a 10W speaker could travel at least 0.76 miles over

the landscape, and mentioned that the lights on the old factory had been very bright. Both were used as evidence that sound and light pollution would occur.

There were no questions for Oliver Brown.

Deborah Curtis also stated that many of her concerns had been raised by previous speakers. She had experience of producing Event Management Plans and had always been willing to share expertise, so was surprised by the lack of transparency in this instance. The applicant had been quoted in local media regarding confusion and misinformation about the application, which she suggested had been caused by the lack of clarity and coherence in the application. He claimed that a main aim had been to revitalise events such as the Pymoor Show, but that was not mentioned in the application and would be unlikely to generate widespread objections. Big Skye Venue Ltd had only been founded in May 2022 and had no experience of event management which, together with the nature of the application, gave no confidence that the applicant could successfully manage large scale events.

There were no questions for Deborah Curtis.

Chris Nye explained that his cattle were often in a field alongside the site and he was concerned that granting of the premises licence would mean that he regularly needed to move the herd elsewhere. In addition, he had a large straw barn which could be at risk if fireworks were used.

There were no questions for Chris Nye.

Catriona Roscoe described a similar situation elsewhere that had proved to be highly problematic after the granting of a premises licence, and expressed concern about the lack of detail in the application. The lack of clarity made the application difficult to assess, as did the late flurry of documents which in some cases, such as the noise study for the factory, were irrelevant. The Ouse Washes were at the centre of the proposed Fens Biosphere and damage should not be inflicted upon it or the local agriculture. She urged the Sub-Committee to put the community at the centre of its decision.

The Chairman clarified that the environmental concerns raised by the objector did not fall within the licensing objectives and therefore could not be considered. The applicant added that he was involved with environmental aspects and had liaised with the Wildlife Trust who were not concerned by the proposals.

12:45pm Sgt Brown left the meeting and did not return.

Catherine Runciman farmed fields next to the site and stated that in addition to all of the other concerns raised, she was very concerned about the risk of fire. There had been fires in the immediate area in recent years, including suspected arson, and with the increased number of people would come an increased risk of accidental fires and arson. Litter would also pose a risk to her crops since she farmed haylage to feed horses and any contamination from rubbish would be a danger. Finally, there was a safety concern regarding animals getting loose, and whether her sheep would be safe on a nearby field with electric fencing at the perimeter.

There were no questions for Catherine Runciman.

Nicolette Woodhead considered that, despite the late alterations by the applicant, the application failed to demonstrate how the four licensing objectives would be met. This was partly due to a lack of sufficient information, and partly because the applicant had failed to demonstrate thought-through practical solutions. Drink-driving would be likely to occur due to a lack of public transport and the high price of taxis. The change in proposed hours made little difference since the end time was still considerably later than similar festivals in Cambridge. The applicant's statement that there was no intention to cause disturbance was meaningless since it was evident that there would be massive disturbance. There would be noise pollution and there was a risk to public safety from fireworks and pyrotechnics. The sample Event Management Plan only contained headings and therefore gave no evidence of adequate planning. There was a lack of consideration for the protection of children from harm since alcohol would be on sale from 10am and with the public right of way through the site it would be easy for people to gain access to the site. The links between alcohol, violence and sex offences were well-documented. Drug dealing, and particularly the dangers associated with County Lines, were well known and yet no details were provided regarding preventing it. She called on the Sub-Committee to reject the application.

There were no questions for Nicolette Woodhead.

For clarity, the Licensing Officer highlighted that Clair Mackness had been nominated to speak on behalf of the Willow Farm Objection Group and also on behalf of 68 individual objectors. Clair Mackness confirmed that she had included the views of all those parties in her earlier statement.

Final Statement from the Applicant

All comments made at the meeting had been taken on board and valid points had been raised. The crisp factory had been lost 2.5 years ago and had employed 110 local people. The applicant was frustrated that the Planning application to rebuild was still in progress and, in the meantime, an income needed to be generated. He lived next to the site and his mother lived nearby, therefore people could be assured that he had no desire to create a nuisance on the site. He acknowledged that the application could have been handled differently: although he wanted flexibility there had never been an intention for 24h / 7 days a week usage of the licence. He had been open-minded with the project and simply wanted to bring some good to the community.

[The Chairman reminded Members that only licensing issues were of concern to the meeting; planning matters were not for consideration.]

The Chairman checked that all parties felt they had had a fair chance to state their opinions, and he reiterated that up to 5 days were allowed for the communication of the Sub-Committee's decision. He then closed the public session of the meeting at 1:01pm for the Sub-Committee Members (together with their Legal Advisor) to retire to a closed session to consider the evidence and reach a decision.



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

LICENSING ACT 2003

NOTICE OF DETERMINATION OF LICENSING SUB-COMMITTEE HEARING

DECISION NOTICE

<u>Date of Hearing:</u>	Monday 18th July 2022
<u>Sub-Committee Members:</u>	Councillor Alan Sharp (Chairman) Councillor Alec Jones Councillor Jo Webber
<u>Officers</u>	Caroline Evans - Democratic Services Officer Lin Bagwell - Licensing Officer Maggie Camp - Director Legal Services & Monitoring Officer (Legal Adviser) Tracy Couper - Democratic Services Manager & Deputy Monitoring Officer Angela Tyrrell - Senior Legal Assistant Adeel Younis - Legal Assistant
<u>Applicant:</u>	Big Sky Venue Ltd represented by: Mr Ross Taylor and Ms Jane Gilliead (Applicant's agent)
<u>Responsible Authorities:</u>	PC 446 Clare Metcalfe Cambridgeshire Constabulary Sgt Ian Brown Cambridgeshire Constabulary Karen See, Senior Environmental Health Officer (Domestic)
<u>Other Persons:</u>	Councillor Anna Bailey Councillor Lorna Dupre Ms Clair Mackness/Willow Farm Objection Group Ms Anne Brown Mr Oliver Brown Ms Deborah Curtis Mr Chris Nye Ms Catriona Roscoe Mrs Catherine Runciman Ms Nicolette Woodhead
<u>Application by:</u>	Big Sky Venue Ltd
<u>Premises Address:</u>	Willow Farm, Pymoor Common, Pymoor, Ely, Cambridgeshire CB6 2WA.
<u>Date of Application:</u>	20th May 2022

Details of Application:

Application for a new Premises Licence under Section 17 Licensing Act 2003 for Big Sky Venue as set out below:

Licensable Activity	Proposed Hours
Sale by Retail of Alcohol for consumption on or off the premises	Monday to Sunday 10:00 to 04:00 12 occasions per annum 04:00 to 10:00
Late Night Refreshment (indoors and outdoors)	Monday to Sunday 23:00 to 04:00 12 occasions per annum 04:00 to 05:00
Live Music Recorded Music Plays Indoor Sporting Events Boxing and Wrestling Films Performance of Dance Anything similar to Live Music, Recorded Music and Performance of Dance All of the above indoors or outdoors	Monday to Sunday 10:00 to 04:00 12 occasions per annum 04:00 to 10:00
Opening Hours	Monday to Sunday 10:00 to 04:30 12 occasions per annum 04:30 to 10:00

ORAL AND WRITTEN EVIDENCE PRESENTED TO THE HEARING**Written Evidence**

The Sub-Committee members have read the material presented to them and listed below:

The Licensing Officer's Report - this included:

1. A copy of the Applicant's application form and proposed operating schedule, which sets out the measure to be taken to ensure the promotion of the four licensing objectives;
2. Plans submitted with the application;
3. Further location plans and site photographs provided by Officers;
4. Copies of representations from Responsible Authorities (the Police and Environmental Health);
5. A summary of the representations received from Other Persons both objecting and supporting;
6. s182 Statutory Guidance and Statement of Licensing Policy - 10 November 2020.
7. Copies of the full original objections provided as background papers to the report.

The Applicant

The Applicant/Applicant's agent provided the following additional information which was forwarded to all parties:

1. Summary of Proposal;
2. Noise Impact Assessment for Willow Farm in relation to the Redevelopment of the Corkers Crisps Factory at Pymoor, Ely, Cambridgeshire dated 16th September 2021;
3. Outdoor Lighting Report for Willow Farm in relation to the redevelopment of Corkers Crisps Factory dated 18th June 2021 and produced by SHD Outdoor Lighting Consultancy;
4. Feasibility Assessment and additional information regarding previous studies taken at Willow Farm regarding light, noise and traffic;
5. Proposed additional conditions;
6. Sheet detailing types of events to be offered at Willow Farm; and
7. Example Event Management plan (showing subject headings only).

In addition, the applicant put forward an amendment via email to the hours of the application from 10.00 am to 04.00 am to 10.00 am to 02.00 am Monday to Sunday inclusive and to amend the extended hours to 10.00 am to 04.00 am on up to 6 occasions per annum with 10 weeks' prior notice.

The Applicant's Agent sought to submit a full event management plan at the hearing. The Legal Adviser advised the Licensing (Statutory) Sub-Committee that this could only be accepted if all parties agreed to accept the plan. As all parties did not agree to accept the plan at such a late stage, the event management plan was not accepted and deemed inadmissible.

Responsible Authorities

1. Karen See, Senior Environmental Health Officer - Environmental Pollution - original email and completion of the Representation form for Responsible Authority to correct an omission in the original email: and
2. PC 446 Clare Metcalfe, Licensing Officer, Cambridgeshire Constabulary - letter and form dated 16th June 2022.

Copies of representations from Responsible Authorities were appended to the Licensing Officer's report.

Other Persons

Members were provided with a lever arch file containing paper copies of 214 representations from Other Persons objecting to the application and 2 representations from Other Persons in support of the application.

Slides of the representations from Other Persons were presented by the Licensing Officer during their representation in person at the Licensing Sub-committee hearing.

Oral Evidence

The Sub-Committee members heard the following oral evidence:

The Licensing Officer

The Licensing Officer presented the report and outlined the amendment put forward by the applicant in relation to the hours of the application and the extended hours.

The Applicant

The Applicant's agent provided an overview of their business aspirations, the application being sought and answered questions from Members, officers and Responsible authorities.

Responsible Authorities

Environmental Health - provided a detailed overview of their concerns, provided amplified concerns that the application did not promote the licensing objectives and answered questions from Members.

The Police - provided a detailed overview of their concerns regarding the application and amplified their concerns that the application failed to promote the licensing objectives.

Other Persons

During presentations by Other Persons, the Licensing Officer presented slides of the written representation made by the Other Person whilst they were speaking.

The following Other Persons appeared and gave presentations regarding their concerns:

Cllr Anna Bailey (District Councillor/Ward Member for Downham Villages)
Cllr Lorna Dupre (appearing as County Councillor and on behalf of CPRE)
Ms Clair Mackness (representing herself and the Willow Farm Objection Group)
Ms Anne Brown
Mr Oliver Brown
Ms Deborah Curtis
Mr Chris Nye
Ms Catriona Roscoe
Mrs Catherine Runciman
Ms Nicolette Woodhead

The following Guidance was considered:

East Cambridgeshire District Council Statement of Licensing Policy – 7th January 2021
Revised Guidance issued under section 182 of the Licensing Act 2003 - April 2018

DECISION

The decision of the Licensing Sub-Committee (in exercise of the powers delegated by East Cambridgeshire District Council as Licensing Authority) was to:

REFUSE the application for a premises licence pursuant to the Licensing Act 2003.

REASONS FOR THE DECISION

1. The Sub-Committee carefully considered all the information provided before and at the hearing. As detailed above, the Sub-committee heard from the Applicant, Police, Environmental Health and from 10 Other Persons, although it was noted that 214 representations had been received in total from Other Persons objecting to the application.
2. Members concluded that although the Applicant had expressed various aspirations as to the types of event he wished to host if the application were granted, it was important to

focus on the application before them which, if granted, would allow the Applicant to host events at the premises 365 days per year.

3. In making their decision, the Sub-Committee had regard to the four licensing objectives, namely:
 - The Prevention of Crime and Disorder
 - Public Safety
 - The Prevention of Public Nuisance
 - The Protection of Children from Harm
4. The Sub-Committee considered that the licensing objectives of the prevention of public nuisance, public safety, and prevention of crime and disorder were engaged. Due to the lack of information contained within the application and the operating schedule as to the promotion of the licensing objective of protection of children from harm, the Sub-Committee concluded that it was not possible for them to conclude whether this was also engaged. It also considered the national guidance and the Council's Licensing Policy.
5. The Sub-Committee considered the area of the premises to be rural. It is a predominantly flat area, sparsely populated, with Pymoor village being less than 1km away from the site and the proposed premises being situated between other settlements of Little Downham and Coveney.
6. The history of the premises shows that there have not been live music events previously in this location. The site had previously been used as a commercial food production unit which employed 110 employees before its destruction from fire in 2020.
7. With regard to the statutory consultees, the Sub-Committee assessed both their written and oral representations and gave them appropriate weighting based on the fact that very little information was provided to promote the Licensing Objectives. The concerns of the statutory consultees included:

Police: Concerns had been raised regarding the proposed licensable activities due to concerns over potential public nuisance to local residents caused by the presence and noise of event traffic, concerns from noise bleed from the actual event activities and concerns over traffic management issues and lack of sufficient information.

Environmental Health: No information had been provided as to the likely number or nature of events; no consideration given in the application for potential means to control music noise levels from a larger scale event was considered inadequate; the procedure and timescales proposed for requesting advice and guidance from the SAG were considered prohibitive and the suggestion that each event would be taken to SAG for agreement is considered impracticable and unworkable. Additional information provided by the Application with respect to lighting and noise impacts had been prepared in relation to the redevelopment of the factory site and were therefore irrelevant to this application. The greater the number of events being planned then the greater degree of reassurance that would be required to ensure adequate protections are in place in the form of licence conditions.

Representations from Other Persons: These included the lack of detail about events, the risk of fire and damage to crops, risk of damage to livestock, the remoteness of the site, lack of public transport, the rural nature of the site and lack of infrastructure for walkers to the site, risk of an increase in crime and criminal behaviour in the area and the significant risk to pedestrians accessing and egressing the premises.

District and County Councillors highlighted the lack of information about the nature of the events, the extent of the licence to operate all year round, poor road links, risk to public safety, potential for noise pollution, a range of additional issues were taken into consideration and regard was had to each of the points made.

8. While the Sub-Committee support opportunities for local employment and for the local entertainment this application proposed, the lack of specific information means it cannot afford it any great weight.
9. The Sub-Committee found the application lacking in any specific detail in that there was a lack of detail in the operating schedule as to the promotion of the 4 licensing objectives, there are no viable impact statements in relation to noise and light as these were in respect of the redevelopment of the Corkers Crisp factory and not this application, the Event Management plan which was produced was only a sample and not a working document, no Traffic Management Plan and the Operating Schedule contained very few details on events and capacity.
10. The Sub-Committee considered national guidance and noted that there was no definition of public nuisance under the Act and therefore the definition of public nuisance should be given its broad common law meaning. Public nuisance could include the reduction of the living and working amenity and environment of other persons living in the area of the licensed premises (para. 2.15 s182 Guidance). Given the premises' location, the topography of the surrounding landscape and the lack of specific noise and light assessment applicable to the application or a detailed operating schedule, the Sub-Committee consider that there is likely to be substantial (based on the worst-case scenario) harm:
 - **Prevention of public nuisance:** Concerns had been raised with regard to illegal parking issues, increased volume of traffic in the villages (resulting in both increased noise and increased traffic flow), concerns regarding the disturbance to local residents from the increase in traffic, the statutory consultees raised concerns with regard to the lack of information which the members agreed with and concluded that the application fails to promote this licensing objective.
 - **Public Safety:** Concerns were raised with regard to accessing and egressing the events, some of which could take up to 4,999 people and the transit routes to and from the venue. Due consideration was given to the lack of information in the application and given at the Hearing. The impacts of noise would have a detrimental effect on local residents if the licence would be used to its full extent and members agreed with these concerns and concluded that the application fails to promote this licensing objective.
 - **Prevention of Crime and Disorder:** The Sub-Committee recognised this as a potential issue but given the lack of event information means it cannot ascertain how events will be managed and therefore cannot be satisfied the application promotes this licensing objective.
 - **Protection of Children from Harm:** There is no information available with regard to how appropriate the events would be for children and how, if they were appropriate for children, the licensing objective of protection of children from harm would be met. It was therefore not possible for the Sub-Committee to be satisfied that the application would promote this licensing objective.

11. In addition, because of the concerns about the lack of proper and relevant detailed information in the application and information given at the Hearing, it was not felt that conditions could be applied to the grant of the application which would address the failure to promote the above licensing objectives and allay the Sub-Committee's concerns. This point had also been made in the representations made by Environmental Health and Cambridgeshire Constabulary. The Sub-Committee were therefore satisfied that the conditions offered by the applicant were not appropriate to uphold the licensing objectives, and no appropriate conditions could be applied.
12. Having considered all the evidence presented, the Sub-Committee determined that the application did not promote the Licensing objectives and consequently, for all the above reasons, the application is **refused**.

RIGHTS OF APPEAL

The Applicant or any persons who made a relevant objection have a right of appeal against this decision. Notice must be given to the Clerk to the Cambridge Magistrates' Court, The Court House, Bridge Street, Peterborough PE1 1ED within 21 days of notification of the Licensing Sub-Committee's decision. Email: cb-enquiries@hmcts.gsi.gov.uk