



Minutes of a Meeting of the Licensing (Statutory) Sub-Committee facilitated via the Zoom Video Conferencing System at The Grange, Nutholt Lane, Ely on Wednesday 14th October 2020 at 11:00am.

PRESENT

Councillor Alan Sharp (Chairman)
Councillor Lavinia Edwards
Councillor Alec Jones

OFFICERS

Stewart Broome – Senior Licensing Officer
Maggie Camp – Legal Services Manager
Liz Knox – Environmental Services Manager
Adrian Scaites-Stokes – Democratic Services Officer

OTHERS PRESENT

Mr Thomas Janes – Applicant
Richard Garnett – Responsible Authority Representative

1. APOLOGIES

The Democratic Services Officer notified the meeting that the Liberal Democrat group had changed their membership on this Sub-Committee. Councillor Alec Jones would now be the full Member of the Sub-Committee with Councillor Simon Harries becoming their Substitute Member.

2. CONSIDERATION OF AN OBJECTION TO A TEMPORARY EVENT NOTICE – LICENSING ACT 2003

The Sub-Committee considered the report, reference V89 previously circulated to all relevant parties, that set out the submission of an Objection Notice, subsequent to the submission of a Temporary Event Notice (TEN) for a German Beer and Food Festival to take place on Saturday 17 October 2020.

Senior Licensing Officer's Report

The Senior Licensing Officer reminded the Sub-Committee that the purpose of this meeting was to consider an Objection Notice from Environmental Health following the submission of a TEN for an event the following Saturday. The Senior Licensing Officer gave background information about a TEN, as paragraphs 3.1 and 3.2 in the report. The summary of the TEN, as attached at Appendix 1, was set out in the table under paragraph 4.1 and gave details of the event location, date and time, activities and attendance numbers. The TEN was submitted on 1st October 2020 but, as it had been received outside the service hours of the Council, it was deemed

to have been received the following day. An objection was received within the 3 working day consultation period, meaning that a Hearing had to be held within 7 working days after the close of the objection period.

The options available to the Sub-Committee for decision were different to a licence application and had to relate to the licensing objectives: the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm. The Sub-Committee had to consider the written content of the Officer's report, Statutory Guidance from the Licensing Act 2003, the Council's own licensing policy, and the oral submissions given during the Hearing. The Sub-Committee could not modify the TEN in any way and would have to provide reasons for its decision.

As the event date was less than 5 working days from the Hearing date the 2003 Act specifically excluded a right to appeal the decision, so the only available option for the Applicant would be for a judicial review.

The Sub-Committee had to consider the content of the report and all the evidence provided during the Hearing before determining the case in accordance with the options contained in paragraph 5.3 of the report.

The Chairman then asked if anyone had any questions for the Officer. Neither the Sub-Committee Members, Legal Services Manager, Applicant nor the Responsible Authority Representative had any questions.

Applicant's Submission

The Applicant stated that he had been hosting events across the region since 2010 and similar German festivals since 2018. He had also hosted other events at Dullingham Polo Club with over 2000 attendees including 2 COVID-safe events with over 350 people in attendance. These events had received great press coverage in the newspapers. 6 months had been spent in planning this event and he had worked with the Safety Advisory Group in Suffolk and more recently in Cambridgeshire. Using data from previous events, the attendees would likely be aged between 30 and 50 years of age and from Newmarket and the surrounding villages, so it would be more of a social gathering rather than a major event. The bar and security staff had been briefed on the issues. From previous experience, if people were given enough advice beforehand and during the event, it could take place safely. It would be socially distanced, a management plan had been produced which showed all the relevant information, security numbers would be increased with enough people on site to ensure socially distancing took place. He would be happy to have a covert Police officer or someone of similar description on site throughout the day, to ensure that the standards were met.

Councillor Edwards asked how many people would be participating in the event. The Applicant stated that 440 tickets had been sold with only 2 left. Councillor Jones would have asked a similar question.

The Legal Services Manager assumed the balance in numbers at the event would be made up of staff. The Legal Services Manager explained that she had not seen the latest event management plan and asked if it had been circulated to the Members. The Applicant revealed that there would be around 50 staff and security staff. He had circulated the latest management plan at 10 o'clock that morning. Councillor Sharp acknowledged he had received the 68 page document about 10:45am that morning.

There were no questions from the Chairman nor the Responsible Authority Representative.

Statement from the Responsible Authority Representative

The Responsible Authority's Representative expressed concerns about the event as it would increase the risk to public safety, in particular the risk relating to the global pandemic. East Cambridgeshire had seen increasing levels of COVID-19 in recent weeks. There was a particular concern locally, due to the increasing cases among young adults. Events of this type were often conceived over many months and the organiser had been in contact with West Suffolk Safety Advisory Group before the event was denied its original location and an alternative had subsequently been proposed at Dullingham.

The TEN was acknowledged on 5th October giving the Council and its partners less than 12 days to discuss the proposal with the Applicant. The Applicant did appear in front of our Safety Advisory Group on 8th October and submitted a revised plan, but concerns still remained. These concerns were discussed with representatives of the Director of Public Health in Cambridgeshire and they expressed their concerns whether the event could be run safely under the current plan. The concerns related to the current pandemic and questioned the ability to deliver the event in a COVID safe manner.

The current plan was looking at the event in isolation and did not consider the risk to guests, from getting to the event, through the event and from the venue, or individual risk assessments for specific elements of the event. Some COVID measures were in place but they were not sufficiently detailed and appeared to be added on to the plan rather than controls being an integral part of it. No consideration of risks around car or taxi sharing had been given, as this was a rural area and attendees would have to travel by car or taxi to attend the event. There was also no consideration on how people would queue safely. It remained unclear what health advice attendees would be given, as the United Kingdom had been split into three types of risk areas, and there was no way of ensuring that people who should not be attending the event remained away.

Usually risk assessments by contractors attending the event would be expected, but there had been none included. Running the event in the marquee, people should be distanced 2 metres away from each other or 1 metre with mitigation. The tables would be set 1 metre apart, so this would not allow people to separate themselves when attempting to view the stage, the focal point of the entertainment. The food and bar service should be limited to table service, however, this would put increased risk on the servers who would have to get close to the tables. To increase the fresh air in the marquee, it would have no side sheets installed, meaning 35 tables would be subject to the weather and people would have to wear coats. It was suggested tables would be removed as people left but there was no mention of sanitising or cleaning them.

The event would run for 8 hours and, although the Applicant did not expect people to remain for the whole event, people's behaviour could change. There would be a reliance on only 12 security stewards to manage over 400 people and escorting a table of 6 off site to taxis, as there was no footpath to the venue, could involve all the stewards.

There continued to be significant concerns over the events going ahead under the current plan and a request was made to uphold the objection.

Councillor Edwards questioned whether there was any medical service to support and monitor the situation. It was confirmed that there would be a First Aid provider on site but there would be no wider welfare service available.

Councillor Jones asked how many security personnel would be on site. The Sub-Committee were reminded that there were only 12 included in the plan. These could be used in one incident so a surfeit of 12 to 15 should be needed.

The Legal Services Manager, in attempting to resolve the attendee figures, wanted to know the number of people that would serve the tables. The Representative reckoned that there would be a maximum of 5 musicians with around 15 table servers.

Councillor Sharp then asked the Applicant about the First Aid provision and staff numbers. In response the Sub-Committee was informed that First Aid would be provided as suggested by the Safety Advisory Group. 12 staff would be on security with others on the traffic management team and as litter pickers.

Councillor Jones asked the Applicant whether the management Plan F was the latest version. The Applicant confirmed that was correct. The Responsible Authority Representative stated he had only read Plan E and had not had a chance to read the latest, saying that a number of concerns raised would not have been addressed by just adding to the previous Plan but through more substantial work.

The Applicant revealed he had asked for advice but had not received any back. This was not the first event he had hosted and he had worked with the Safety Advisory Group on it. He had held multiple events including during the pandemic.

Councillor Jones then asked more questions of the Applicant. The first related to the previous event and asked how large the events were and what was the Applicant asked to do relating to COVID. Would the people sitting on the outside in coats be in keeping with the theme of the event? How large was the area for this event and would people be able to spread out or use a haven to dissipate to? How did it work previously when people did not stay the whole time? Was there anything new in the plan to deal with people if they were ejected and would the staff be trained and COVID protected?

The Applicant explained that the largest event was for 350 attendees and the events were run with similar management plans, in Norfolk working with the Norfolk Safety Advisory Group. The plan for this event had been influenced by those others and the last events had been held 2 or 3 weeks ago. For most events the sides of the marquee were open but awnings could be added in inclement weather. The size of the area had not been included, as the aim was to keep people seated, as people moving around would be hard to manage. Previously the events had split sessions of between 4 to 5 hours, but this encouraged people to drink faster so they became drunk. It would be beneficial to extend the time so people took their time. All staff would wear masks and would only eject someone once they came round in the vulnerable person's area and a taxi would be called.

Councillor Sharp queried whether it would be table service only. As it would be more difficult to serve to seated people, would the stewards stop people drinking more and did the management plan deal with this? The Applicant confirmed that food and drink would be delivered to the tables. Each table would have a toilet pass, so only one person per table could use it at any one time. The staff had been trained and would take a vulnerable person to a space set aside rather than ejecting them straight away.

The Legal Services Manager, when looking at the attendee numbers taking attendees and staff into account, calculated that only 25 would be left over from the September event, so were there more staff then? The Applicant revealed that the September event did not sell as well.

The Senior Licensing Officer, although he had not had a chance to read the latest management plan, suggested that the general nature of these types of events conjured images of rowdy behaviour and against the idea of social distancing with alcohol consumption very high. Were there any measures within the management plan to mitigate or control the level of alcohol attendees would have access to?

The Applicant attested that it was in the plan and the staff would be strict on this issue.

Applicant's Final Statement

The Applicant added that the event would be run by a local company employing local people. The issues around safety were understood, so the event could be hosted safely.

The Senior Licensing Officer reminded the Sub-Committee that it had to give consideration to the Objection Notice relating to the activities at the event, not the overall event itself, and whether they would undermine the licensing objectives. The decision on this had to be announced on the same day as the Hearing.

Closed Session

The Chairman explained that the Sub-Committee Members plus the Legal Services Manager would be going into a closed session to discuss the evidence and come to its decision and all parties would be notified of that decision that day.

The meeting closed at 11:44am.

Appendix

Decision of the Licensing (Statutory) Sub-Committee

East Cambridgeshire District Council Licensing Act 2003 Counter Notice

Date of Hearing	Wednesday 14 th October 2020
Members of Sub-Committee	Councillor Alan Sharp (Chairman), Councillor Alec Jones and Councillor Lavinia Edwards
Applicant's Name	Mr Thomas Janes
Premises Address	Dullingham Polo Club, Station Road, Dullingham CB8 9UT
Date of Application	1 st October 2020
COUNTER NOTICE	<p>On 1st October 2020, the Licensing Authority received from you, Mr Thomas Janes, a Temporary Event Notice in respect of the proposed temporary Licensable Activities, namely the Retail Sale of Alcohol and Regulated Entertainment, due to take place on Saturday 17th October 2020 at Dullingham Polo Club, Station Road, Dullingham CB8 9UT.</p> <p>The Licensing Authority is satisfied that it is appropriate to issue this Counter Notice to promote the Public Safety Licensing Objective.</p> <p><i>This counter notice is issued pursuant to s105 (2) of the Licensing Act 2003.</i></p>
REASONS	<p>Having taken into account both the written and verbal evidence presented by all parties, Members are minded to uphold the Objection Notice submitted by the Senior Environmental Health Officer.</p> <p>In arriving at this decision, Members noted that they may not stop the event from taking place and that their decision may only prohibit the Licensable Activities from occurring, but they felt that to allow the sale of alcohol and entertainment to occur would undermine the Public Safety Licensing Objective over and above any public safety concerns that may exist by the event taking place minus these licensable activities.</p> <p>Nothing in the evidence presented by Applicant alleviated these concerns and those concerns raised by the Senior Environmental Health Officer.</p>