



**MINUTES of
LICENSING SUB-COMMITTEE
31 JULY 2019**

PRESENT

Councillors:	B S Beale MBE, Mrs P A Channer, CC and M F L Durham, CC
Representing the Licensing Sub- Committee:	Mr Daniel Winter, Licensing Lead Officer Mr Simon Quelch, Legal Advisor Miss Tara Bird, Committee Clerk
Responsible Authorities:	None
In Attendance:	Councillor C Morris and Mrs M E Thompson, Maldon District Councillors
Members of the Public:	None
Members of the Press:	None

1. Application for a Premises Licence at Riverside Park, Millfields, Burnham-on-Crouch, Essex, CM0 8HS

Applicant: Mr Jack Ellum representing Mr Richard Holmes, Maldon District Council

Interested Party(s) Mr T Pitt, representing Burnham Yacht Harbour
Mr Lingard representing Ms T Bush

2. Application for a Premises Licence at Promenade Park and Hythe Quay, Park Drive, Maldon, Essex, CM9 5JQ

Applicant: Mr Jack Ellum representing Mr Richard Holmes, Maldon District Council

Interested Party(s) None

301. TO APPOINT A CHAIRMAN FOR HEARING

RESOLVED that Councillor M F L Durham, CC be appointed Chairman for the meeting.

IN THE CHAIR: COUNCILLOR M F L DURHAM

302. CHAIRMAN'S NOTICES

The Chairman drew attention to the list of notices published on the back of the agenda.

303. APOLOGIES FOR ABSENCE

There were none.

304. DISCLOSURE OF INTEREST

There were none.

At this point the Chairman advised that he was changing the order of business from the published agenda and the Sub-Committee would first consider Agenda Item 6 – Licensing Act 2003 – Application to consider a Premises Licence: Promenade Park and Hythe Quay, Park Drive, Maldon, Essex, CM9 5JQ.

305. LICENSING ACT 2003 - APPLICATION TO CONSIDER AN APPLICATION FOR A PREMISES LICENCE - PROMENADE PARK AND HYTHE QUAY, PARK DRIVE, MALDON, ESSEX, CM9 5JQ

The Chairman sought confirmation that all present were in possession of and had read the report of the Director of Strategy, Performance and Governance along with Appendices A – D.

The Licensing Officer outlined the application for a Premises Licence at Promenade Park and Hythe Quay, Park Drive, Maldon, Essex, CM9 5JQ.

The Chairman then explained the procedure that would be followed and invited Mr Jack Ellum, representing Mr Richard Holmes, the applicant, to make his opening statement.

In response to a question the Licensing Officer advised that the extant licence relating to this site had been in operation since May 2006 but that the sale of alcohol was not permitted under this licence. The licence for consideration today, if approved, would allow the sale of alcohol and amended some of the times of licensable activities.

Mr Ellum provided background information regarding the request for a Premises Licence and how any current events were dealt with by way of a Temporary Event Notice (TEN). This application sought to support the Council's objective to derive an income from the Park to support its sustainability. Mr Ellum referred to the desire by the community for such events and how events brought prosperity and were key to the economy of the area. Members' attention was drawn to the conditions which had been suggested by Environmental Health and agreed with the application and Mr Ellum advised that the licence would limit the occasion of events to ensure there was not a constant amount of events taking place which would balance the needs of event holders and local residents.

The Licensing Officer, in response to a question, advised that a TEN limited the number of attendees at an event to 499 but more than one TEN could be applied for on one location.

In response to a number of questions, the following information was provided by Mr Ellum:

- Mr Ellum explained that when someone wanted to hold an event on the Park they would have to submit an application to the Council which would include risk assessment and Event Safety Management Plan (ESMP). These would then be assessed in accordance with best practice and would have to detail how the event organiser sought to satisfy the licensing objectives. Following submissions there may be a requirement to refer the application to the Safety Advisory Group.
- If the licence was approved, the maximum number of persons on the site would be monitored through the submitted ESMP which would detail the proposed number of attendees for an event.
- The suggested conditions by Environmental Health had been accepted by the applicant.

There were no interested parties that had registered to speak in relation to this application and Mr Ellum advised that he did not wish to make a closing statement.

306. ADJOURNMENT OF THE MEETING

RESOLVED that the meeting be adjourned at 10:40 am to allow Members to consider the application at Promenade Park and Hythe Quay.

307. RESUMPTION OF BUSINESS IN OPEN SESSION

RESOLVED that the meeting resumes in open session at 10:45 am.

308. LICENSING ACT 2003 - APPLICATION TO CONSIDER AN APPLICATION FOR A PREMISES LICENCE - PROMENADE PARK AND HYTHE QUAY, PARK DRIVE, MALDON, ESSEX, CM9 5JQ: DETERMINATION OF THE APPLICATION

The Chairman advised that the Sub-Committee had discussed the application in some detail, taking due account of the letters of representation and suggested conditions. The decision of the Sub-Committee was to grant the licence as applied for subject to the standard conditions, conditions from Environmental Health and with the introduction of the following two conditions as the Sub-Committee were mindful of the fact that the Park was predominantly a grassed area and did include some playing fields:

1. Additional Condition 1: All beverages will be dispensed using polycarbonate glasses or other disposable drinkware or plastic bottles. No glass bottles or cans to be sold.

2. Additional Condition 2: No glass bottles will be permitted in the licenced area except behind the bar. The Chairman explained to Mr Ellum that this may result in the need to check persons entering to ensure that they are not bringing glass onto the site but the Sub-Committee felt this was important for public safety, making reference to not wanting broken glass in the playing fields.

RESOLVED that the application for a Premises Licence at Promenade Park and Hythe Quay, Park Drive, Maldon, Essex, CM9 5JQ be **GRANTED** subject to the terms applied for and the following conditions;

1. All users of the park for licensable activities must:
 - Apply and receive written consent from the Council.
 - Abide by the Council's Terms and Conditions for use or hire of Council Parks and Open spaces and provide all required documentation, including Event Management Plan and Risk Assessment, to the satisfaction of the Council in good time in advance of the activity.
2. The screening of the outdoor cinema shall take place on a maximum of 12 days within the licensed area in accordance with the hours contained in part 1 of the licence.
3. Where outdoor cinema events are taking place, the screen and sound should be sited so that it faces towards the Blackwater Estuary and the speakers be directed towards the audience. Any deviation from this layout must be agreed in writing with Maldon District Council's Environmental Health Department at least 28 days prior to the event.
4. Screening of outdoor cinema excluded, all other licensable regulated entertainment activities may take place until no later than 10pm on any given day, except for a maximum of 20 days in a calendar year where regulated entertainment may operate until no later than the times specified in part 1 of the licence.
5. Prior to any events involving licensable regulated entertainment, Maldon District Council's Events Team (or equivalent at the time) must give the Environmental Health Department a minimum of 72 hours notification in writing or via e-mail with details of the nature of the event, the regulated entertainment that will take place, the finish time proposed and contact details of the organiser. Details of any noise monitoring to be undertaken by the applicant as part of the event should also be provided.
6. When amplified entertainment is provided a member of staff will monitor the noise at the boundaries of Promenade Park, Maldon and Battle Rise and Northey View, Heybridge at the commencement of the entertainment and within an hour of the proposed end of amplified entertainment. The monitoring should ensure that the level of noise from the amplified entertainment is not likely to be causing a nuisance beyond the boundary of the Park and, if it was, the level of the noise must be reduced immediately. This is the minimum level of monitoring expected and, should the event organiser or licence holder receive noise complaint(s) during the event, additional monitoring should be undertaken

at that time to assess the matter further and to reduce noise levels if necessary. The Event Management Plan may identify that additional monitoring to that required above is appropriate during an event.

7. A log shall be kept by the applicant on site which shall record:
 - (i) Details of the periodic monitoring required by condition 6 above.
 - (ii) Details of all complaints received by the applicant during or after an event, including the complainants contact details, the nature of the complaint and a record of the action taken to resolve the complaint.

The log shall be made available to officers of Maldon District Council at all times.

8. A telephone number (that will be staffed during events) will be displayed at the entrances to the park and Quay for residents to use if they have any concerns.
9. Clearly visible signage shall be affixed for the duration of events at all exits from the licensable area reminding customers that they are exiting near to residential areas and to keep noise to a minimum. Where an event takes place within a separate, self-contained area within the licensable area, it is recommended that additional signage to the same effect is provided at the exit to the event area.
10. All beverages will be dispensed using polycarbonate glasses or other disposable drinkware or plastic bottles. No glass bottles or cans to be sold.
11. No glass bottles will be permitted in the licenced area except behind the bar. This may result in the need to check persons entering to ensure that they are not bringing glass onto the site.

309. LICENSING ACT 2003 - APPLICATION TO CONSIDER AN APPLICATION FOR A PREMISES LICENCE - RIVERSIDE PARK, MILLFIELDS, BURNHAM-ON-CROUCH, ESSEX, CM0 8HS

Prior to consideration of this licence, a copy of a letter of representation received from Ms Toni Bush, was circulated to all present and the Chairman advised that he had agreed for this letter to be considered. In addition to this, the Council's Solicitor read out a text from Ms Bush giving her permission for Mr Richard Lingard to speak on her behalf. The Solicitor advised that from a legal point he was satisfied with this and for Mr Lingard to represent Ms Bush. The Chairman agreed

The Chairman then asked all those present to introduce themselves and at this point advised that interested parties, whether representing themselves or others, were only permitted to make representation that mirrored the written submission and if they strayed from this they would get stopped.

The Chairman invited Mr Jack Ellum, representing Mr Richard Holmes, the applicant, to make his opening statement.

Mr Ellum provided background information regarding the request for a Premises Licence and how the application sought to regularise events which already took place and derive an income from the park to support its sustainability. He referred to the desire by the community for such events and how events brought prosperity and were key to the economy of the area. Mr Ellum explained that control of the Park would remain with the Council and conditions agreed with Environmental Health along with controls they would put in place would ensure the licensing objective were met and the Park protected. He recognised the concerns raised by some residents and local businesses and advised that the Council was happy to work with local businesses to ensure local benefit. Mr Ellum confirmed that he did not have any witnesses to call.

The Chairman advised that there were no responsible authorities present and called on the interested parties wishing to speak to address the Committee, reminding them that points raised must relate to licensing matters.

Mr Pitt, representing Burnham Yacht Harbour addressed the Committee advising that they strongly objected to this application. Mr Pitt raised a number of concerns particularly in relation to the possibility of persons wandering from events onto the Yacht Harbour site (a working boat yard) due to the open nature of the site, risk assessments, health and safety procedures, training of staff and insurance. He felt that if approved the licence would not allow for discussions on the merits of each event and highlighted some issues following a recent event organised by the Council on the area adjacent to the Yacht Harbour site. Mr Pitt also questioned the contingency plans should the railway bridge (the only access to the Burnham-on-Crouch town) be blocked. He concluded advising that Burnham Yacht Harbour strongly objected to this licence.

Mr Lingard, speaking on behalf of Ms Bush addressed the Committee. He raised a number of objections to the application particularly regarding the effect events would have on local businesses along with the potential noise and the effect to this on local and yachting residents. Mr Lingard commented on a recent event at the Park and issues relating to this. He advised that continuing with the current processing of using Temporary Event Notices (TENs) would be more beneficial and concluded advising that Ms Bush strongly objected to the proposal.

During the presentation from interested parties the Chairman stopped and reminded both speakers that matters they were raising needed to relate to the licensing objectives.

There was some discussion regarding the maximum number of persons expected to attend an event that the licence was being applied for. Following some discussion Members were directed to page 15 of the document pack and advised that because the box at the top of this page was blank this meant that the licence, if approved, would be for a maximum of 4,999 people.

The Chairman then invited Mr Ellum to respond to some of the comments and concerns raised by the interested parties. In response Mr Ellum provided the following information:

- Events can result in prosperity for all. Mr Ellum discussed a recent event in Burnham-on-Crouch and how this was a positive advert for the area of Burnham-on-Crouch as a place to live work and play. He referred to some research to suggest that as a result of events taking place visitors return to a particular location.

- Each event would be required to identify how noise would be managed including the set-up of sound systems etc.
- They would be happy to include a requirement for event planners to put in controls around litter and litter picks to cover appropriate surrounding areas.
- Through the Event Safety Management Plan (ESMP) events would be required to put adequate security in place and these requirements were based on best practice.
- The continued use of TENs would require less control than what this licence was proposing to put in place. This licence was a way to regularise the activities taking place in that area.

The Chairman advised that with a TEN only Environmental Health and the Police were able to object, there was no opportunity for any other person to object to such a notice.

In response to a question regarding fulfilling the licensing objectives, Mr Ellum advised that these would be fulfilled through the ESMP and event organisers would be responsible for putting in place an appropriate ESMP along with risk assessments identifying how that would be achieved.

Following further questions raised by interested parties the Chairman gave an explanation regarding ESMP and how matters such as litter picking, traffic management, security, sanitation etc. would be addressed through policies within this document. On submission of an ESMP to Responsibility Authorities a Safety Advisory Group could be called and if not satisfied with matters they could stop an event going forward. He reminded the Sub-Committee that this licence was for 20 events (after 8pm) per year. In response to a question regarding dealing with intoxicated persons, the Chairman provided detailed information and explained the requirements of the licensee in respect of this and how it related to meeting the licensing objectives.

The Licensing Officer responded to a question regarding the length of time a licence could be granted for, advising that a licence could be limited for one year or four months. The Council's Solicitor further advised that if Members were mindful to do this it should be linked to the licensing objectives. In response, Mr Ellum advised he would object to this as there was a review process available.

310. ADJOURNMENT OF THE MEETING

RESOLVED that the meeting be adjourned at 11:29 am to allow Members to consider the application.

311. RESUMPTION OF BUSINESS IN OPEN SESSION

RESOLVED that the meeting resumes in open session at 11:47 pm.

312. LICENSING ACT 2003 - APPLICATION TO CONSIDER AN APPLICATION FOR A PREMISES LICENCE - RIVERSIDE PARK, MILLFIELDS, BURNHAM-ON-CROUCH, ESSEX, CM0 8HS (CONTINUED)

The Chairman advised that the Sub-Committee had considered the application, representations made, and points raised. The decision of the Sub-Committee was to grant the licence as applied for. The Chairman advised that there had been some discussion regarding a review period but reminded everyone of the opportunity to call a licence in for review prior to or after every event. The Sub-Committee, he explained, had agreed to impose a review period of 36 months, from the date of granting the licence, after which performance would be reviewed by the Licensing Sub-Committee. The Chairman outlined the reasons behind this period as events often took a long time to plan and come to fruition. He advised that in addition to the standard conditions the Sub-Committee would be imposing the following additional conditions:

- Additional Condition 1: An Event Safety Management Plan (ESMP) is to be submitted no less than 12 weeks prior to the event. Subsequent updates to the ESMP would be permitted.
- Additional Condition 2: No glass bottles will be permitted in the licenced area except behind the bar.
- Additional Condition 3: All beverages will be dispensed using polycarbonate glasses or other disposable drinkware or plastic bottles. No glass bottles or cans to be sold.

The Council's Solicitor sought a point of clarification in relation to the limited condition of 36 months (three years) as it was his understanding that the premises licence would expire (end) after this period because the Sub-Committee were time limiting it and therefore a new application would need to be made for a premise licence. In response the Chairman advised that this had not been made clear to the Sub-Committee who thought the licence could be reviewed. The Solicitor advised that the Sub-Committee could not review the licence only time limit it and at the end of the limit the licence would expire. The Solicitor continued advising that as the Sub-Committee had not formally made its decision and ended the meeting it could reconsider matters based on legal advice received. The Chairman advised that he would therefore be re-adjourning the meeting.

313. ADJOURNMENT OF THE MEETING

RESOLVED that the meeting be adjourned at 11:52 am to allow Members to consider legal advice received. It was noted that the Council's Solicitor had been requested to join Members during their discussion to provide further legal advice, if required.

314. RESUMPTION OF BUSINESS IN OPEN SESSION

RESOLVED that the meeting resumed in open session at 11:55 am.

315. LICENSING ACT 2003 - APPLICATION TO CONSIDER AN APPLICATION FOR A PREMISES LICENCE - RIVERSIDE PARK, MILLFIELDS, BURNHAM-ON-CROUCH, ESSEX, CM0 8HS: DETERMINATION OF THE APPLICATION

The Chairman advised that the Sub-Committee had sought additional legal advice because it was under a misapprehension regarding the review procedure. He advised that although it was possible to introduce a review this did not fall within the spirit of the Licensing Act. The Chairman informed those present that there was opportunity under Section 51 of Licensing Act for a review to be called at any time during the licensing period and the Sub-Committee felt this was sufficient safety grounds to cover any of the opportunities or address any of the issues that may occur during the holding of any events. The Chairman announced that the Sub-Committee was therefore withdrawing the time limit, the review period of 36 months it had previously applied to the licence.

The Chairman clarified that the Sub-Committee therefore granted the licence with the conditions previously mentioned in relation to the prohibition of glass etc. and that an initial Event Safety Management Plan (ESMP) was to be submitted at least 12 weeks before an event but this could be subsequently amended according to updated requirements.

In response to a question, the Chairman advised that the ESMP had to be submitted to Responsible Authorities and a list of these could be found on the Council's website.

RESOLVED that the application for a Premises Licence at Riverside Park, Millfields, Burnham-on-Crouch, Essex, CM0 8HS be **GRANTED** subject to the terms applied for and the following conditions;

1. All users of the park for licensable activities must:
 - Apply and receive written consent from the Council.
 - Abide by the Council's Terms and Conditions for use or hire of Council Parks and Open spaces and provide all required documentation, including Event Management Plan* and Risk Assessment, to the satisfaction of the Council in good time in advance of the activity.

* Initial Event Management Plan (EMP) should be submitted at least 12 weeks prior to the event. Subsequent updates to the EMP would be permitted.
2. All regulated entertainment shall finish by 8pm, except for a maximum of 20 other days in a calendar year where regulated entertainment may operate beyond 8pm (but in accordance with the hours specified in part 1 of the licence).
3. Where outdoor cinema events are taking place, the screen and sound should be sited so that it faces towards the Crouch Estuary and the speakers be directed towards the audience. Any deviation from this layout must be agreed in writing with Maldon District Council's Environmental Health Department at least 28 days prior to the event.

4. Prior to any events involving licensable regulated entertainment, Maldon District Council's Events Team (or equivalent at the time) must give the Environmental Health Department a minimum of 72 hours notification in writing or via e-mail with details of the nature of the event, the regulated entertainment that will take place, the finish time proposed and contact details of the organiser.
5. When amplified entertainment is provided a member of staff will monitor the noise at the boundaries of Riverside Park, Burnham-on-Crouch (that border or are adjacent to residential dwellings) at the commencement of the entertainment and within an hour of the proposed end of amplified entertainment. The monitoring should ensure that the level of noise from the amplified entertainment is not likely to be causing a nuisance beyond the boundary of the Park and, if it was, the level of the noise must be reduced immediately. This is the minimum level of monitoring expected and, should the event organiser or licence holder receive noise complaint(s) during the event, additional monitoring should be undertaken at that time to assess the matter further and to reduce noise levels if necessary. The Event Management Plan may identify that additional monitoring to that required above is appropriate during an event.
6. A log shall be kept by the applicant on site which shall record:
 - (i) Details of the periodic monitoring required by condition 5 above.
 - (ii) Details of all complaints received by the applicant during or after an event, including the complainants contact details, the nature of the complaint and a record of the action taken to resolve the complaint.

The log shall be made available to officers of Maldon District Council at all times.
7. A telephone number (that will be staffed during events) will be displayed at the entrances to the park.
8. Clearly visible signage shall be affixed for the duration of events at all exits from the licensable area reminding customers that they are exiting near to residential areas and to keep noise to a minimum. Where an event takes place within a separate, self-contained area within the licensable area, it is recommended that additional signage to the same effect is provided at the exit to the event area.
9. All beverages will be dispensed using polycarbonate glasses or other disposable drinkware or plastic bottles. No glass bottles or cans to be sold.
10. No glass bottles will be permitted in the licenced area except behind the bar. This may result in the need to check persons entering to ensure that they are not bringing glass onto the site.

There being no further items of business the Chairman closed the meeting at 11.59 am.

M F L DURHAM, CC
CHAIRMAN