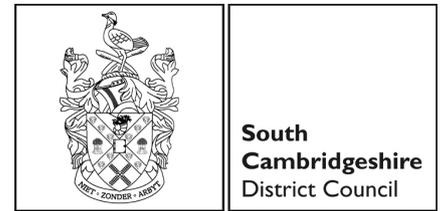


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20 February 2019

To:

Members of the Licensing (2003 Act) Sub-Committee – Councillors
Anna Bradnam, Deborah Roberts and Heather Williams

Applicant: S & C Productions Ltd

Representee(s): Jennifer Sheerin and Geoffrey Marsh

Dear Sir/Madam

Please find below a supplement to the agenda, and attached the relevant papers, for the hearing by the **LICENSING (2003 ACT) SUB-COMMITTEE** of the application for a premises licence to S & C Productions Ltd for a two day event on Haggis Farm, Barton, Cambridge. The hearing will be held in the **MONKFIELD ROOM, FIRST FLOOR** meeting room at South Cambridgeshire Hall on **FRIDAY, 1 MARCH 2019** at **10.30 a.m.**

Members are respectfully reminded that when substituting on committees, subcommittees, and outside or joint bodies, Democratic Services must be advised of the substitution *in advance of* the meeting. It is not possible to accept a substitute once the meeting has started. Council Standing Order 4.3 refers.

Yours faithfully
Beverly Agass
Chief Executive

Requests for a large print agenda must be received at least 48 hours before the meeting.

AGENDA

	PAGES
2. ELECTION OF CHAIRMAN AND INTRODUCTIONS/PROCEDURE	
3. APPLICATION TO GRANT A PREMISES LICENCE - TL41394 56836 (STRAWBERRIES & CREAM)	1 - 14

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Agenda Item 3

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Licensing Sub-Committee (2003 Act)

1 March 2019

AUTHOR/S: Director Health & Environmental. Services

APPLICATION TO GRANT A PREMISES LICENCE TL41394 56836

The Application

1. The application to grant a Premises Licence for TL41394 56836 was received by the licensing department on the 10 December 2018. The requirements for advertising and displaying relevant notices were carried out in accordance with the Licensing Act 2003 (**APPENDIX A**)

The application is for the Grant of a new Premises Licence.

The requested days and times for opening, Supply of Alcohol, Provision of Films, Provision of Live Music Recorded Music and Provision of Performance of Dance applied for are as follows:-

SATURDAY & SUNDAY

Opening Hours:	11.00 to 23.00
Supply of Alcohol	12:00 to 22.30 (on the premises)
Provision of Films	11.00 to 23.00 (both indoors and outdoors)
Provision of Live Music	11.00 to 23.00 (both indoors and outdoors)
Provision of Recorded Music	11.00 to 23.00 (both indoors and outdoors)
Provision of Performance of Dance	11.00 to 23.00 (both indoors and outdoors)

Background

2. The premise, TL41394 56836, is a green field sited on Haggis Farm, Barton, Cambridge. The entrance of which is off Grantchester Road. The nearest residential properties are shown on the map (**APPENDIX B**)

The purpose of this licence is to hold an event at the premises for one period of up to two consecutive days from Saturday to Sunday inclusive on one occasion in each calendar year

3. As required by the Licensing Act policy, the application was sent to all responsible authorities for consultation as part of the licensing application process. No representations have been received by the responsible authorities.
4. Photographs of the Blue Notice displayed were received (**APPENDIX C**).
5. The Notice was advertised in the Cambridge Evening News (**APPENDIX D**).
6. On the 3 January 2019 it was brought to the attention of the licensing department that the blue notice was not visible.

An officer visited the premises and confirmed that the blue notice was not displayed correctly.

The application was sent out for consultation again. Confirmation of correct display of Blue Notice was received on the 7 Jan 2019 (**APPENDIX E**)

7. On the 15 January 2019 an email was received with an attached site plan and a link to the Management Plans that are requested five months before the event as part of the additional conditions of the proposed licence - Security Report (**APPENDIX F**), General Risk Assessment (**APPENDIX G**), Fire Safety Management Plan (**APPENDIX H**), Transport Management Plan (**APPENDIX I**), Event Safety, Management Plane – Introduction (**APPENDIX J**), Construction Phase Plan (**APPENDIX K**), Adverse Weather Plan (**APPENDIX L**) and Emergency Management Plan (**APPENDIX M**) - Site Plan (**APPENDIX N**)
8. On the 1 February 2019 a memo was sent to Licensing from Environmental Health with a request for changes to the application and additional conditions to be added to the licence when issued. (**APPENDIX O**)
9. On 4 February 2019 letters of support were received (**APPENDIX P**)
10. As part of the application process the applicant has been made aware of the representations

Relevant Representations

11. No representations have been received from the responsible authorities however representations have been made by interested parties

7 January 2019 a representation was received (**APPENDIX Q**).

11 January 2019 a representation was received (**APPENDIX R**)

The representations submitted by representees relate primarily to Public Nuisance, The Prevention of Crime and Disorder and Public Safety objectives.

Officer's Views

Members when considering the application should be aware that they may only take into consideration the parts of the application that represent the licensing objectives.

1. The Prevention of Crime and Disorder
2. Public Safety
3. The prevention of public nuisance
4. The protection of children from harm

Members have the right under the Licensing Act 2003 to determine this application after considering any relevant representations, Members may

- a. Accept the proposed application as submitted
- b. Reject the application
- c. Agree the application but impose conditions that promote the relevant licensing objectives

Legislation Guidance

Members should also be aware of the Secretary of states guidance under S182 of the Licensing Act 2003 which states:-

Public nuisance retains its broad common law meaning for the purpose of this Act. The prevention of public nuisance could therefore include low-level nuisance perhaps affecting a few people living locally as well as major disturbances affecting the whole community. It may also include in appropriate circumstances the reduction of there living and working amenity and environment of interested parties in the vicinity of the premises. Beyond the vicinity of the premises these are matters for personal responsibility of individuals under the law.

The Guidance goes on to state:-

It is essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to public nuisance caused by anti-social behaviour of customers once they are beyond the control of the licence holder cannot be justified and will not serve to promote the licensing objectives

Policy Considerations

Conditions referred to within the South Cambridgeshire Licensing Policy relating to the prevention of public nuisance, public safety and the prevention of crime & disorder.

Example conditions relating to the prevention of public nuisance.

- a. Noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties
- b. Prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
- c. The placing of refuse - such as bottles- into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.
- d. Noxious smells from the licensed premises are not permitted (subject to existing legislation not providing adequate measures) so as to cause a nuisance to nearby properties and the premises are properly vented.
- e. Flashing or particularly bright lights on or outside licensed premises (any such condition must be balanced against the benefits of providing lighting to promote the prevention of crime and disorder).

Example conditions relating to the prevention of crime and disorder

- a. Door Supervisors (registered with the SIA – Security Industries Authority)

The Local Authority recognises that in applications where door supervisors are referred to in the operating schedule conditions relating to door supervisors are mandatory. Where conditions are attached relating to the provision of door supervisors and security they may be valuable in:

1. Preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder;

2. Keeping out excluded individuals (subject to court bans or bans imposed by licence holder);
3. Searching and excluding those suspected of carrying illegal drugs or carrying offensive weapons and;
4. Maintaining orderly queuing outside venues.

Where door supervisors are to be a condition of a licence they are required to be licensed through the Security Industries Authority in line with the Securities Industry Act 2000.

a. Bottle Bans

It is recognised that glass vessels (i.e. bottles and glasses) may be used as weapons inflicting serious harm during incidents of disorder. Conditions may include:

1. No bottles containing beverages of any kind, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff service away from the bar
2. No customer carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public.

In appropriate circumstances conditions may exempt bottles containing wine or similar sold for consumption with a table meal by customers who are seated in a separate area from the bar.

b. CCTV

The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Conditions may include:

1. The need to have CCTV cameras on the premises
2. The precise positioning of each camera
3. The requirement to maintain cameras in good working order
4. The requirement to retain recordings for an appropriate period

Other conditions that may be considered relevant to promote the reduction of crime and disorder may include:

1. Restriction on drinking areas
2. Capacity limits
3. Proof of age cards
4. Crime prevention notices
5. Signage at or immediately outside the premises
6. Use of plastic containers and toughened glass

Example conditions relating to Hours

The hours during which the premises are permitted to be open to the public or to members and their guests can be restricted by the conditions of a premises licence or club premises certificate for the prevention of public nuisance:

- a. Conditions may be placed on premises restricting (other than where they are protected by the transitional provisions of the Act) the hours during which premises are permitted to be open to the public or to members and their guests.
- b. Restrictions may be necessary on the times when certain licensable activities take place even though the premises may be open to the public at such times.
- c. Restrictions may be necessary on parts of a premise used for certain licensable activities at certain times.

Conditions relating to Public Safety (including fire safety)

Conditions relating to public safety will be those that are necessary to promote the objective of public safety for individual premises or clubs. They should not duplicate other legal requirements. Equally the attachment of conditions to a premises licence or club premises certificate will not relieve employers of the statutory duty to comply with the requirements of Health and Safety legislation and the requirements under the management of Health and Safety at Work regulations 1999 and the Fire Precautions (Workplace) *regulations 1997 to undertake risk assessments*.

Legal Implications

All parties will maintain a right of appeal to a Magistrate's Court after the determination of this committee.

Contact Officer: Jane Jackson – Resource Team Leader
Telephone: (01954) 713635

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APPENDIX Q

04.01.2019

Dear Licensing Team of the South Cambridgeshire District Council (SCDC),

As a 'Person living in the vicinity of the premises' of the Strawberries & Creem Festival (S&C), I am writing you to Make a Representation as an interested party who is adversely affected by the Festival held annually on varying dates in the month of June at Haggis Farm, Grantchester Road, CB23 7PZ.

Firstly, I contend that any application made by S&C is not a valid one as the applicant must advertise by posting a notice on or near the premises on a blue A4 sized form for a period of 28 consecutive days. As of 3rd January 2019, upon checking both entrances to the venue- one on Barton Road and one on Coton Road, neither have a visible blue notice. I have taken many photos of both venue entrances and submitted them via an email to Licensing. Photos available upon request. I also check the Coton location every Monday morning on my way to a weekly appointment in Eddington and I have yet to see a blue sign. I pass the Barton road location several times a week to get fuel from Wallis in Barton and again, there has been no presence of a blue sign. On New Year's day I took my dog walking in the Coton Reserve and stopped on my way home to check and there was nothing at the Coton Rd entrance. I was only made aware that an application had been submitted by ringing Environmental Health and asking them as I was getting concerned that I hadn't seen anything. Only then was I told that the application had been made and I had only a few days to make my representation. If there is a blue sign posted it is not readily available or visible from the road, or clearly at either entrance or accessible to the public.

As of 04.01.2019 the S&C licensing application has not been made available to view online so it is impossible for me to object to the specifics of their application as it has been applied for. Based on what I believe to be the nature of the application I have done by best to lay out the reasons for my objections below along with attached photos. In addition to email this, on Monday, 7th January I will drop off a hard copy of this letter and a memory stick containing all photos and videos.

The prevention of crime and disorder

- Drug use and public intoxication by Festival attendees
- Destruction of property by festival attendees
- Antisocial behavior of festival attendees

- Lack of due care by S&C Festival organisers. No security precautions or arrangements for manpower for security and traffic control.

The prevention of public nuisance

- Festival attendees behavior, including drug use in my driveway (nitrous oxide cylinders, joints)
- Festival attendees urinating and defecating in my driveway, in my field, on the fence and along the road.
- Public intoxication. Drinking in my driveway, in the road and around the roundabout.
- Littering bottles, cans, toilet paper, drug paraphernalia and other trash on the road, around the roundabout, at the entrance to my driveway and down the driveway (toilet paper and beer cans where they were hiding to defecate and urinate)
- Verbal abuse to my neighbour, myself and anyone trying to enter or leave my driveway.
- Festival attendees blocking the cycle paths
- Fornicating in the bushes along the roadside
- Festival attendees walking in the road and in the roundabout
- Constant loud thumping music that vibrates my house windows from Friday night past midnight, Saturday past midnight and starting again on Sunday morning at 9am.
- Festival attendees climbing over my fence from the roadside into my field with animals to urinate.
- Verbal abuse to the road crew (just 3 guys) who blocked Coton road.
- Festival attendees locking bikes and scooters to my fence and throwing some bikes over the fence into the field with my animals.
- Lack of due care in making myself or neighbours aware of the festival. As an adjacent neighbour, never in 4 years have I ever been notified about the event.

Public Safety

- Lack of due care by S&C Festival organisers. No security precautions or arrangements for manpower for security and traffic control.
- Drunk and disorderly behaviour by festival attendees. Including fights in the street with police having to be called out multiple times.
- Traffic issues with closing Coton Road which backed up traffic around the roundabout.
- No parking control so cars parked on the sides of the road partially blocking the road.
- Festival attendees walking in the road, in traffic, stopping and hindering traffic flow causing danger to themselves and others.
- Festival attendees blocking the cycle paths
- Insufficient signage to the festival creating confusing and a backup of vehicles and people in the road.

In addition to the specifics relating to the four licensing objectives, I have filed two police reports with Cambridgeshire Police regarding the conduct of festival goers:

CC-16062018-220

CC-16062018-545

I have also made a Freedom of Information request of the Cambridge Constabulary of all police incidents relating to the S&C Festival which I should have within 20 days. I understand from speaking with the police there there were several incidents as a result of the S&C Festival.

This is the 4th year the festival has been held next to my home and I have complained both in writing and verbally to the organisers over the past four years about the above issues and they have never bothered to make me aware of the festival each year, respond to or address any of my concerns, call me or arrange to meet. Only recently has Louise rung me, on suggestion of the council, but could really offer no other suggestion than entirely fencing off my property.

I have taken dozens of photos and videos of the violations I have outlined above and would like the opportunity to present these to the licensing board as it paints a very clear picture of my objectives. Please see attached for a few of the photos. I have lots of videos as well. I will be dropping off on Monday a hard copy of this letter along with a memory stick of photos and videos.

I ask that the licensing board please take into consideration my objections laid out above and please oppose the licence on grounds it has not met the requirements for application and that granting one not only is in direct opposition to three of the four licencing objective but also brings nothing of value to the area for anyone other than monetary gain for the S&C organisers.

Thank you again for your time and consideration and I look forward to a response from you.

Kind regards,





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APPENDIX R

South Cambs District Council
Licensing section
South Cambs Hall
Cambourne Business Park
Cambourne
CB23 6EA



Dear Sirs

Application for a Premises License for the sale of alcohol and the provision of entertainment in the field of TL 41394 56836 by S&C Productions Ltd

I write in objection to the above application because the Strawberries and Creeme Festival that has been held by S&C Productions in the said field has been very disruptive on previous occasions.

The festival understandably involves amplified music, but in the past this has been done in such a way that it is very loud in the surrounding properties. It is however not only the volume of sound that is disruptive but the fact that there is a lot of foul language and obscenities used, it is not fair that children should be subjected to such in their own homes.

The festival creates a lot of vehicular and pedestrian traffic, so much so that the road has to be closed to through traffic during the festival, which causes considerable inconvenience to local people. Even so there was a serious road accident resulting from the increased traffic at the occasion of the last festival.

To date the festival has allegedly been drug and alcohol free, permitting the sale of alcohol at such an event will significantly increase disruption caused by the issues outlined above.

I would prefer that the event did not take place at all, as it is a very disruptive and disturbing event for those who live nearby, but I feel strongly that adding the free use of alcohol would be disastrous.

Yours faithfully

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