

South Cambridgeshire District Council

Minutes of a meeting of the Licensing (2003 Act) Sub-Committee held on
Friday, 4 December 2020 at 10.00 a.m.

1. Appointment of Chair

Councillor Deborah Roberts was appointed as Chair.

2. Introductions / Procedure

3. Declarations of Interest

There were no declarations of interest.

4. Review of the premises licence for Wild Wood Events Ltd

South Cambridgeshire District Council Licensing
(2003 Act) Sub-Committee

Date of Hearing:	4 December 2020
Applicant:	Horseheath Parish Council
Premises licence:	Wild Wood Events Ltd
Application:	Review of Premises licence

Those present at the hearing:

Sub-Committee:	Councillor Deborah Roberts (Chair) Councillor Jose Hales Councillor Eileen Wilson
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SCDC Officers:

Jane Jackson, Licensing Officer
Suzanne Christie, Environmental Health
Officer
Paul Weller, Legal Adviser
Victoria Wallace, Democratic Services
Officer
Liam Martin, AV Support Officer

Applicant:

Councillor John Howard, Horseheath
Parish Council

Licence Holder:

Vicky Fenton, Wild Wood Events Ltd

Representees:

Tim Vestey
Tessa Vestey
Terry Mundy
Elissa Gold

Declarations of Interest

There were no declarations of interest.

The application

On the 29 October 2020, an application was made by John Howard on behalf of Horseheath Parish Council under S.51 of the Licensing Act 2003 (as amended) for a Review of the Premises Licence for TL 6137 4711 Wild Wood Events Ltd. Licence number SCDCPL0515.

The proceedings set out in the 2003 Act (as amended) for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.

At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

Background

The premises licence holder is Wild Woods Events Ltd and it has been held since 21 May 2019.

The Designated Premises Supervisor (DPS) is Victoria Fenton.

The licensable activities permitted by the licence are:

Performance of a play (Indoors & Outdoors)

Thursday 10:00 – 00:00

Friday 10:00 – 02:00

Saturday 10:00 – 02:00

Sunday 10:00 – 00:00

Exhibition of films (Indoors & Outdoors)

Thursday 10:00 – 00:00

Friday 10:00 – 02:00

Saturday 10:00 – 02:00

Sunday 10:00 – 00:00

Performance of live music (Indoors & Outdoors)

Thursday 10:00 – 00:00

Friday 10:00 – 02:00

Saturday 10:00 – 02:00

Sunday 10:00 – 00:00

Playing of recorded Music (Indoors & Outdoors)

Thursday 10:00 – 00:00

Friday 10:00 – 02:00

Saturday 10:00 – 02:00

Sunday 10:00 – 00:00

Performance of dance (Indoors & Outdoors)

Thursday 10:00 – 00:00

Friday 10:00 – 02:00

Saturday 10:00 – 02:00

Sunday 10:00 – 00:00

Late Night Refreshment on and off the premises

Thursday 23:00 – 05:00

Friday 23:00 – 05:00

Saturday 23:00 – 05:00

The Sale by Retail of Alcohol for consumption on the premises only

Thursday 10:00 – 23:40

Friday 12:00 – 01:40

Saturday 10:00 – 01:40

Sunday 10:00 – 00:00

Provision of facilities for entertainment of a similar description to that live music, recorded music or performance of dance

Thursday 10:00 – 00:00

Friday 10:00 – 02:00

Saturday 10:00 – 02:00

Sunday 10:00 – 00:00

Premises opening hours

Thursday 10:00 – 03:00

Friday 10:00 – 03:00

Saturday 10:00 – 03:00

Sunday 10:00 – 00:00

The application was sent to all responsible authorities for consultation as part of the licensing review process.

Notification of the review was sent to 167 neighbouring properties.

In accordance with the Licensing Act 2003 a notification of the review was displayed by this Local Authority at:

- on, or near the site of the premises
- the main office of South Cambridgeshire District Council
- the Licensing Public Notice page of this Licensing Authorities website

The licence holder's response

23 October 2020

In response to the application to review the premises licence, the licence holder submitted the following documents:

- Report responding to the application of Review for Wild Wood Events Ltd Premises Licence
- Parish Council actions from licence holder
- Event Management Plan
- HK Security Report
- Spaced out weekend production schedule sheet 1
- Sunset socials production schedule – sheet 1
- Wild Wood Events Ltd – General Risk Assessment 2020
- Wild Wood Events Ltd COVID-19 Risk Assessment
- Wild Wood Events Ltd COVID-19 – Guests to Read
- Wild Woods Events Ltd Working Safely with covid-19
- Woodville Project – Boutique Camping COVID-19

Relevant representations

Observations:

The panel heard representations from the applicant who raised concerns regarding noise, lack of engagement by the licence holder with residents and the Parish Council, public nuisance and public safety in relation to an apparent lack of social distancing at events

held in September 2020 and the subsequent impact on public health in Horseheath. Concern was also raised that a tailored event management plan was not produced for each event, as was required by the licence conditions. Concerns were also raised regarding environmental impact on Crofts Wood and the impact of events on the wildlife in the woodland. The applicant referred to advice received from the RSPB stating that an ecological impact assessment should be carried out before each event and that events held between May and September coincided with the bird nesting season.

The panel heard representations from the Environmental Health Officer in relation to public safety and the prevention of public nuisance, as had been submitted in writing and had been included in the papers for the hearing.

The panel heard representations from the licence holder who explained the nature of her business and the events it held. She explained the nature of the events in question, which had taken place in September 2020. She said that a lot of effort had gone into holding these well organised Covid-safe events, which had not been held for financial gain. The licence holder was disappointed by the actions of the Parish Council which she felt had acted in an underhand manner. She was concerned about the damage this may have done to her business. The licence holder explained that at the events in question, the music had been played at 85 decibels instead of the usual 120 decibels. She also explained that on the day in question, all sound equipment had already been taken away and music was being played through the speakers of a van. The licence holder clarified that she had misunderstood the need to submit an event management plan for every event held, including small events, and would submit these in future. She said that while she had not submitted these plans to the licensing authority, all required plans had been completed and had been held on site.

The panel heard representations from Elissa Gold in support of the licence holder. Ms Gold had worked with the licence holder on events for several years.

The panel heard representations from Mr Mundy. He raised concern in relation to the potential negative impact of events on wildlife in the surrounding area. He referred to advice he had received from the RSPB, which suggested that events held from May to September coincided with the bird nesting season. Mr Mundy suggested that an independent wildlife survey be undertaken before any future events were held, to ensure there was no breach of the Countryside and Wildlife Act.

The panel heard representations from Mr Vestey who is the landowner. He explained that he had attended the event to check that the event was being properly managed. He spoke in support of the licence holder and the events that had been held by her on his land in September 2020 and to which the Parish Council's complaints related. He said that as a landowner he likes to support and encourage local businesses while remaining a good neighbour to the community. He said that at the event in question, music had been played quietly; this had been required as an outdoor cinema event was taking place next to the music event. He informed the sub-committee that in his view the welfare of wildlife was not a Parish Council matter. However, this was taken seriously by the estate which had a number of SSSI's; Crofts Wood however was not one of these. He explained the reasons for the alternative access arrangements that had been in place by him for the event in question. These had been put in place for safety reasons due to an equestrian event also being held on the estate.

Decision and reasons

The Sub-committee accepted that there was full compliance with the legislative procedure for the original grant of the Licence.

The Sub-Committee considered all the evidence to include the written representations and, taking into account the written representation received, the nature of complaints raised, and oral representations made during the hearing, the Sub-Committee decided that it was neither necessary nor proportionate to take any action in respect of the premises licence.

The sub-committee considered that in its present form the premises licence meets the four licensing objectives.

The sub-committee accepted that condition 14 was not strictly adhered to however it accepts that there were documents on site and those documents although not agreed with the licensing authority in advance, were adequate in the circumstances. The breach was not sufficient for the licence to be revoked and it was not necessary to vary the wording of the condition.

The sub-committee reviewed the allegation that the premise licence holder and those organising the events failed to ensure compliance with the “Covid” regulations. However, those allegations were not substantiated by the complainants and evidence provided by those attending the event was of compliance.

The sub-committee preferred on the balance of probabilities the evidence supplied by the licence holder and the landowner.

The representations made in respect of the impact of the wildlife were not matters for consideration for the sub-committee as they related to potential offences and were not matters within the direct control of the premises licence holder.

Right of appeal

The applicant has a right of appeal to the Cambridge Magistrates’ Court within 21 days of receiving notification of this decision.

Signed:

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Councillor Deborah Roberts (Chair)

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Councillor Jose Hales

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Councillor Eileen Wilson

Dated: 4 December 2020