

Borough Council of King's Lynn & West Norfolk

Report to Licensing Sub-Committee under the Licensing Act 2003

Date of Hearing: 30th March 2022

Application for Grant of a Premises Licence

- The 100 Acres, Cowles Drove, Hockwold Cum Wilton, IP26 4JQ

Applicant – Urban Hydro Ltd

Introduction

1. A premises licence is required under the Licensing Act 2003 (the 'Act') for the sale of alcohol, regulated entertainment or for the provision of late night refreshment (i.e. the supply of hot food and drink between 11pm and 5am). The four licensing objectives to be considered when determining the application, and relevant representations, are:

- the prevention of crime & disorder,
- public safety,
- the prevention of public nuisance, and
- the protection of children from harm

The Application

2. Urban Hydro Ltd have made an application under Section 17 of the Act for the licensable activities of 'sale of alcohol by retail', 'live music', 'recorded music', 'performance of dance' and 'late night refreshment'. A copy of the application is attached at Appendix 1 and if granted would allow the premises to have licensable activity for 5 consecutive days in September each year as follows:

<u>Licensable Activity</u>	<u>Days</u>	<u>Times</u>
Sale of Alcohol by Retail On the premises	Thursday	12:00 Noon until 11:30pm
	Friday to Sunday	10am until 11:30pm
Provision of Live Music, Recorded Music Both	Friday to Sunday	*10am until 1am (each following day)
Provision of anything of a similar description to live music, recorded music or performances of dance Both	Friday to Sunday	**10am Friday for 24h each day until 1am Monday morning
Exhibition of Films Both	Friday to Sunday	10am until 11pm
Provision of Late Night Refreshment Both	Friday to Sunday	11pm until 2am (each following day)

*Amplified music only between the hours of 2pm and 11pm each day & unamplified acoustic music must cease at 1am each morning.

** Described as fire performances and walkabout performances within operating schedule.

Mandatory Conditions

3. The Act provides for the following mandatory conditions to be attached to all premises licences authorising the sale of alcohol for consumption on the premises, and exhibition of films:-

- (a) Under Section 19(2) of the Licensing Act 2003, no supply of alcohol shall be made under this premises licence at a time when there is no designated premises supervisor in respect of the premises licence, or at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (b) Under Section 19(3) of the Licensing Act 2003 every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- (c) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:
 - I. games or other activities which require or encourage, or are designed to require or encourage, individuals to drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or drink as much alcohol as possible (whether within a time limit or otherwise);
 - II. provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - III. provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - IV. selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - V. dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
- (d) The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

- (e) The premises licence holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either a holographic mark, or an ultraviolet feature.
- (f) The responsible person must ensure that where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
- I. beer or cider: ½ pint;
 - II. gin, rum, vodka or whisky: 25ml or 35ml; and
 - III. still wine in a glass: 125ml;

These measures must be displayed in a menu, price list or other printed material which is available to customers on the premises and if a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

- (g) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price. For the purposes of this condition 'duty' is to be construed in accordance with the Alcoholic Liquor Duties Act 1979; 'permitted price' is the price found by applying the formula - $P = D + (D \times V)$ where; P is the permitted price; D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol; and V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol. A 'relevant person' means the holder of the premises licence, the designated premises supervisor (if any) in respect of such a licence, or the personal licence holder who makes or authorises a supply of alcohol under such a licence. 'Value added tax' means value added tax charged in accordance with the Value Added Tax Act 1994.

The permitted price must be rounded up to the nearest penny.

A change to the permitted price which would apply as a result of a change to the rate of duty or VAT charged in relation to alcohol would not apply until the expiry of the period of 14 days beginning on the day on which the change in the rate of duty or VAT takes effect.

- (h) The admission of children to film exhibitions is to be restricted in accordance with the recommendations of the British Board of Film Classification (BBFC) or the Borough Council of King's Lynn & West Norfolk.

Conditions Consistent with the Operating Schedule (Proposed Conditions)

4. The following conditions have been identified from the operating schedule (paragraph 'M' on the application) or agreed following consultation between the applicant and Responsible Authorities as indicated.

Health & Safety

- (a) Each event will not commence unless all potholes on the road along Cowles Drove from outside Freedom recycling to the event site, are filled in/repared to ensure a level surface for vehicles and pedestrians to safely cross.
- (b) Facilities for the tattooists, ear piercers and any other body piercing activity will be provided. Facilities shall include provision of hot and cold water and facilities to wash and disinfect any equipment. Animals will not be allowed into the area where such activities are occurring unless used by person who are sight/hearing impaired. The floor covering, ceilings, partition walls will be kept clean and in good repair.
- (c) Where use of the site and Cowles Drove leading to the site is, or is likely to, generate significant dust emissions then suppression of these areas using a bowser (or equivalent) with an adequate supply of water, or an alternative method, will be put in place to ensure that the areas generating the dust are dampened down.
- (d) The provision of fencing and barriers shall be outlined in the proposed Event Management Plan and their nature and locations agreed with the Local Authority before the events commence in order to ensure that access by people on site to existing dykes and barbed wire is restricted.
- (e) Any livestock and their deposits on the site shall be removed from the site at least 30 days before the start of the festival.
- (f) The Traffic Management Plan outlined in the Operating Schedule shall contain measures outlining the actions to be taken in the event of removing any vehicles blocking the vehicular entrance/exit to the festival site. These will be agreed with the Council.
- (g) The Traffic Management Plan outlined in the Operating Schedule shall include provisions to ensure adequate fencing or barriers are in place alongside the entrance/exit bridge over the dyke from Cowles Drove to prevent vehicles from falling into the dyke.
- (h) A Water Management Plan shall be submitted at least 30 days before the event detailing how potable water for drinking, food preparation and personal hygiene will be provided and measures that will be in place to ensure compliance with the Private Water Supplies (England) Regulations 2016.
- (i) CSAS accredited Traffic Management Staff must be present along Cowles Drove between 10am and 10pm Thursday to Sunday and from 9am to 2pm on Monday to assist with the flow of traffic
- (j) Signage will be displayed to indicate that no glass containers or bottles shall be allowed inside the main site with the exemption of approved event traders. Bottle banks and amnesty containers must be placed at the entrances to facilitate disposal.

Norfolk Fire & Rescue

- (k) Norfolk Fire & Rescue Service require easily identifiable fire points around the campsite for first response fire-fighting. This equipment must be subject to regular checks throughout the course of the festival to ensure it has not been tampered with or activated. Replacement units must be available and distributed as required at the time of checking.
- (l) Fire points must be no more than 30 metres apart and each one must be equipped with:
 - at least 2 suitable fire extinguishers as directed by your fire risk assessment, that have been tested by a competent person within the previous 12 months.;
 - 2 x buckets containing sand or water;
 - A mechanical means of raising the alarm at all times, e.g. a gong and striker or a hand operated siren;
 - Signage prominently displayed on how to contact the fire authority
- (m) Festival Stewards must be able to quickly and easily communicate with amplified music areas to turn off music and raise the general alarm in the event of fire anywhere on site. A dedicated radio channel must be available on all radios in case of emergency to provide early warning to all Stewards.
- (n) Norfolk Fire & Rescue Service require good access for fire service appliances across the entire site, meeting the following specifications:
 - 3.1m - Minimum width of gateways
 - 17m – minimum turning circle
 - 3.7m – minimum clearance height
 - 18 tonnes – minimum carrying capacity
- (o) Norfolk Fire & Rescue Service require an area of hard standing of at least 5m square with vehicular access (see dimensions above) for our appliances up to within 1m of the edge of the ditch to be used for fire-fighting water supply and the water container for fire fighting mentioned below.
- (p) There must be a report commissioned by a professional to evidence the front ditch is supplied by a reliable water source that will provide a minimum of 10000 litres of water for fire-fighting in all normal circumstances except national drought conditions.
- (q) If we are in national drought conditions or the aforementioned ditch is not supplied as specified above, you must supply us with a minimum of 10000 litres of water in a suitable container for fire-fighting. The container must be dedicated exclusively for fire-fighting and have a fire service compatible coupling for connection to fire appliances. The container will require prior testing and approval by Norfolk Fire & Rescue Service at least 28 days in advance of any event taking place.
- (r) Grass and other vegetation on the festival and camp sites must be cut as short as possible and all cuttings removed in the days leading up to the event, to prevent the possibility of fire spreading.

Community Safety & Neighbourhood Nuisance

- (s) This premises licence only authorises licensable activities for one event each calendar year, in the month of September, for a maximum period of five consecutive days.
- (t) Amplified music shall only be played between the hours of 14:00hrs and 23.00hrs
- (u) All unamplified acoustic music shall finish by 1am.
- (v) Any amplified speakers or sound systems used must be directed towards open countryside
- (w) A Noise Management Plan, NMP1 – must be submitted to and approved by the Community Safety and Neighbourhood Nuisance team within 7 days of the grant of a licence and must be implemented as approved at all times thereafter. Any amendments to the plan must be approved by the Community Safety and Neighbourhood Nuisance team. The Noise Management Plan must be made available upon request at any time to the Community Safety and Neighbourhood Nuisance Team.

Operating Schedule/Agreement with applicant

- (a) The license shall authorise a cumulative maximum attendance of the event of up to 8,000 to include all public weekend tickets, day tickets as well as staff and complimentary performer passes.
- (b) An initial Event Management Plan (EMP) shall be made available to the Licensing Authority at least 60 days prior to the commencement of the event period.
- (c) The EMP shall contain detailed proposals for the event in policies and plans to promote all the licensing objectives of public safety, prevention of crime and disorder, prevention of public nuisance and protection of children from harm.
- (d) All sales of alcohol and other drinks must be provided in non-glass drinking vessels. All glass bottled drinks shall be decanted at point of sale.
- (e) Adequate lighting shall be provided to all access/exit routes to and from the licensed site, campsites and toilet blocks when the public are in attendance.
- (f) Children aged 18 or under will not be permitted within the licensed area at any time, except within the area marked 'Crew Camp' on the site plan.
- (g) This license shall authorise only the event named Paradise Gardens Hydro and Urban Lifestyle Show which shall allow access to public ticket holders on the premises for no more than 6 days for one event each calendar year, in the month of September.

- (h) The perimeter of the event shall be secured at all reasonable access points prior to public ticket holders being admitted to the main site.
- (i) The campsites, car parks and event arena shall be patrolled by security and stewards during the event.
- (j) Security staff will carry out random searches at the entrances to the event for drugs, offensive weapons and other contraband or prohibited items.
- (k) 24 hour security presence must be on site. Border patrols will be performed a minimum of every 60-90 minutes during hours of darkness to ensure patrons are not leaving site by means other than the main entrance or emergency exits during an emergency event. During the hours of daylight security will be posted at strategic points giving visibility of the perimeter at all times.
- (l) Fencing/barriers must be placed around the perimeter of the event to ensure patrons cannot access the neighbouring RSPB reserve land.

Representation from Responsible Authorities

Section 13(4) of the Act defines the 'Responsible Authorities' as the statutory bodies that must be sent copies of an application. Representations made must relate to the licensing objectives.

5. Norfolk Constabulary have submitted a letter of representation in relation to this application, a copy of which can be found at Appendix 2 to this report. There are no other representations from any of the 'responsible authority' to consider. Namely:

- Norfolk Fire & Rescue Service;
- Norfolk Trading Standards;
- Norfolk Safeguarding Children's Board;
- Public Health;
- Community Safety & Neighbourhood Nuisance (BCKLWN)
- Planning (BCKLWN);
- Environmental Health (BCKLWN);
- Licensing Authority (BCKLWN);
- Home Office (Alcohol Team).

Representations from 'Other Persons'

As well as the responsible authorities, any other person can play a role in a number of licensing processes under the Act. This includes any individual, body or business that are entitled to make representations to applications. Representations made must relate to the licensing objectives.

6. There are 7 representations from 'other persons' to consider. Copies of these representations are attached to this report at Appendix 3.

Notices

7. The applicant is responsible for advertising the application by way of a notice in a specified form at the premises for not less than 28 consecutive days and in a local newspaper on at least one occasion. The Public Notice appeared in the Thetford and Brandon Times on Wednesday 16th February 2022 and should have been displayed on the premises up to and including the 7th March 2022.

8. In accordance with the Licensing Act (Hearings) Regulations a notice of the application was also published on the Borough Council's website for the duration of the consultation period.

Plans

9. A plan showing the layout of the premises is attached at Appendix 4 and a location plan is attached at Appendix 5 showing the approximate location of the nearby objectors in relation to the premises.

Borough Council of King's Lynn & West Norfolk's Licensing Policy

10. The current Statement of Licensing Policy under the Act was approved by full Council on the 14th January 2021. The following extracts may be relevant to this application and assist the Sub-Committee:

3.0 Fundamental principles

- 3.1 The 2003 Act requires that the Council carries out its various licensing functions so as to promote the following four licensing objectives:
- (a) the prevention of crime and disorder,
 - (b) public safety,
 - (c) the prevention of public nuisance, and
 - (d) the protection of children from harm.
- 3.2 Nothing in this 'Statement of Policy' will:
- (a) undermine the right of any individual to apply under the terms of the 2003 Act for a variety of permissions and to have any such application considered on its own merits;
 - (b) override the right of any person to make representations on an application.
- 3.3 Every application will be dealt with impartially and on its individual merits. The Borough Council will not refuse to grant or vary an application unless it has received a representation from a responsible authority, such as the police or an environmental health officer, or other person, such as a local resident or local business, which is a relevant representation.
- 3.4 Licensing is about regulating licensable activities on licensed premises and any conditions that are attached to premises licences or club premises certificates will be focused on matters which are within the control of the individual licensee or club, i.e. the premises and its vicinity.
- 3.5 Whether or not incidents can be regarded as being "in the vicinity" of licensed premises is a question of fact and will depend on the particular circumstances of the case. In cases of dispute, the question will ultimately be decided by the courts. The Borough Council, in addressing this matter, will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

3.6 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy throughout the borough.

5.0 Licensing Hours

5.1 With regard to licensing hours, due consideration will be given to the individual merits of an application. The Borough Council recognises that, in some circumstances, flexible licensing hours for the sale of alcohol can help to ensure that the concentrations of customers leaving premises simultaneously are avoided. This can help to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport which could lead to disorder and disturbance.

5.2 The Borough Council wants to ensure that licensing hours do not inhibit the development of thriving and safe night-time local economies. This is important for investment, local employment and attractive to domestic and international tourists. Providing consumers with greater choice and flexibility is an important consideration, but should always be balanced carefully against the duty to promote the four licensing objectives and the rights of local residents to peace and quiet.

9.0 Public Safety

9.1 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning.

9.2 A number of matters should be considered in relation to public safety. These could include:

- Fire safety;
- Ensuring appropriate access for emergency services such as ambulances;
- Good communication with emergency services;
- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
- Ensuring appropriate and frequent waste disposal, particularly of glass bottles;

- Ensuring appropriate limits on the maximum capacity of the premises; and
- Considering the use of CCTV.

9.3 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. The Borough Council expects applicants to consider these when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they will achieve that.

10.0 Prevention of Public Nuisance

10.1 Licensed premises, especially those operating late at night and early in the morning can cause a range of nuisances which impact on people or businesses in the vicinity. The concerns will mainly relate to noise but could also include light pollution and noxious smells. The Borough Council expect operating schedules to satisfactorily address these issues, as appropriate.

14.0 Planning & Building Control

14.1 Planning, Building Control and licensing are separated and consider different (albeit related) matters. For instance, licensing considers public nuisance whereas planning considers amenity. As such licensing applications will not be a re-run of the planning application and will not cut across decisions taken by the planning committee or following appeals against decisions taken by that committee. Licensing Committees are not bound by decisions made by a planning committee, and vice versa.

17.0 Conditions

17.1 The Borough Council will not impose conditions unless it has received a representation from a responsible authority, such as the police or an environmental health officer, or other persons, such as a local resident or local business, which is a relevant representation, or is offered in the applicant's Operating Schedule. Any conditions will be proportional and appropriate to achieve the licensing objectives.

Guidance Issued Under Section 182 of the Licensing Act 2003

Under Section 4 of the Act, Licensing Authorities must have regard to guidance issued under Section 182. The current Guidance was issued by the Home Office in April 2018 and offers advice to Licensing authorities on the discharge of their functions under the Act.

11. The following extracts may be relevant to this application and assist the Licensing Sub-Committee:

Licensing Objectives and Aims

1.2 The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.

1.3 The licensing objectives are:

- The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance; and
 - The protection of children from harm.
- 1.4 Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.
- 1.5 However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:
- Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
 - Giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
 - Recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
 - Providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
 - Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

Licence Conditions – General Principles

- 1.16 Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will”, is encouraged. Licence conditions:
- must be appropriate for the promotion of the licensing objectives;
 - must be precise and enforceable;
 - must be unambiguous and clear in what they intend to achieve;
 - should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
 - must be tailored to the individual type, location and characteristics of the premises and events concerned;
 - should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
 - should not replicate offences set out in the 2003 Act or other legislation;
 - should be proportionate, justifiable and be capable of being met, (for example, whilst beer glasses may be available in toughened glass, wine glasses may not);
 - cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff,

but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and

- should be written in a prescriptive format.

Each application on its own merits

- 1.17 Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

Crime and disorder

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder.

Public nuisance

- 2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music

may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 15). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.
- 2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.
- 2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

Public Safety

- 2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the

prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

2.8 A number of matters should be considered in relation to public safety. These may include:

- Fire safety;
- Ensuring appropriate access for emergency services such as ambulances;
- Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts;
- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
- Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
- Ensuring appropriate limits on the maximum capacity of the premises and
- Considering the use of CCTV in and around the premises.

2.9 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. Applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

Ensuring safe departure of those using the premises

2.10 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:

- Providing information on the premises of local taxi companies who can provide safe transportation home; and
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

Determining Applications

9.1 When a licensing authority receives an application for a new premises licence or an application to vary an existing premises licence, it must

determine whether the application has been made in accordance with section 17 of the 2003 Act, and in accordance with regulations made under sections 17(3) to (6), 34, 42, 54 and 55 of the 2003 Act. It must similarly determine applications for the grant of club premises certificates made in accordance with section 71 of the 2003 Act, and in accordance with regulations made under sections 71(4) to (7), 84, 91 and 92 of the 2003 Act. This means that the licensing authority must consider among other things whether the application has been properly advertised in accordance with those regulations.

Where Representations Are Made

- 9.3 Where a representation concerning the licensing objectives is made by a responsible authority about a proposed operating schedule and it is relevant, (see paragraphs 9.4 to 9.10 below) the licensing authority's discretion will be engaged. It will also be engaged if another person makes relevant representations to the licensing authority, which are also not frivolous or vexatious (see paragraphs 9.4 to 9.10 below). Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.

Relevant, vexatious and frivolous representations

- 9.4 A representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.
- 9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.

- 9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.
- 9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority's corporate complaints procedure. A person may also challenge the authority's decision by way of judicial review.
- 9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub-committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.
- 9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.

Disclosure of personal details of persons making representations

- 9.26 Where a notice of a hearing is given to an applicant, the licensing authority is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant with copies of the relevant representations that have been made.

Hearings

- 9.37 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation.
- 9.38 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:
- the steps that are appropriate to promote the licensing objectives;
 - the representations (including supporting information) presented by all the parties;
 - this Guidance;

- its own statement of licensing policy.
- 9.39 The licensing authority should give its decision within five working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule. Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety. Any conditions added to the licence must be those imposed at the hearing or those agreed when a hearing has not been necessary.
- 9.40 Alternatively, the licensing authority may refuse the application on the grounds that this is appropriate for the promotion of the licensing objectives. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities. In the interests of transparency, the licensing authority should publish hearings procedures in full on its website to ensure that those involved have the most current information.

Determining Actions that are Appropriate for the Promotion of the Licensing Objectives

- 9.42 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.
- 9.43 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.
- 9.44 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to

mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

Proposed conditions

- 10.4 The conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment carried out by a prospective licence or certificate holder, which they should carry out before making their application for a premises licence or club premises certificate. This would be translated into the steps recorded in the operating schedule or club operating schedule, which must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public.
- 10.5 It is not acceptable for licensing authorities to simply replicate the wording from an applicant's operating schedule. A condition should be interpreted in accordance with the applicant's intention.

Imposed Conditions

- 10.8 The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.
- 10.9 It is possible that, in certain cases, where there are other legislative provisions which are relevant and must be observed by the applicant, no additional conditions are appropriate to promote the licensing objectives.

Proportionality

- 10.10 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case by case basis and standardised conditions which ignore these individual aspects should be avoided. For example, conditions should not be used to implement a general policy in a given area such as the use of CCTV, polycarbonate drinking vessel or identity scanners where they would not be appropriate to the specific premises. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

The need for licensed premises

- 14.19 There can be confusion about the difference between the "need" for premises and the "cumulative impact" of premises on the licensing objectives, for example, on crime and disorder. "Need" concerns the

commercial demand for another pub or restaurant or hotel and is a matter for the planning authority and for the market. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy.

Determination

12. Having regard to the representations received, the Licensing Sub-Committee are requested to consider the application, this report and take such steps as it considers appropriate for the promotion of the licensing objectives. These steps are:

- a) To grant the application under the terms and conditions applied;
- b) To grant the application with conditions that the Sub-Committee considers appropriate for the promotion of the licensing objectives;
- c) To reject all or part of the application.

13. The Sub-Committee are reminded that full reasons for their decision must be given as both the applicant and persons making representations have a right of appeal against that decision to the Magistrates' Court.

Marie Malt

Marie Malt

Senior Licensing Officer
Environment & Planning
16th March 2022

Appendix:

1. Copy of Application
2. Copy of letter of representation from Norfolk Constabulary
3. Copies of letters of Representation from 'other persons'
4. Premises Plan of Layout
5. Location Map

Background Papers:

1. The Licensing Act 2003
2. Borough Council's Statement of Licensing Policy (14th January 2021)
3. Guidance issued under Section 182 of the Licensing Act 2003 (April 2018)

Your ref no: Form ref:
RZGPXWGV

Form title: App

Appendix 1 to
Report to Licensing Sub Committee
Re: The 100 Acres, Cowles Drove
Dated: 16/03/2022

Page: Coversheet

This form was started at:	03/02/2022 09:21:46
This form was completed at:	05/02/2022 09:25:05
Internal form classification:	N / A
Openprocess state:	

Your ref no: Form ref:
RZGPXWGV

Form title: Apply for a new premises licence or a full variation

Page: Tell us who you are

You can only vary a premises licence if you are the premises licence holder, solicitor or other duly authorised agent.

Are you completing this form on behalf of the applicant?	No - I am the applicant
In what capacity is the applicant applying for a premises licence?	As a limited company
Please confirm the following:	The applicant is carrying on or proposing to carry on a business which involves the use of the premises for licensable activities

Your ref no: Form ref:
RZGPXWGV

Form title: Apply for a new premises licence or a full variation

Page: Tell us about the other applicants

If you are a limited company, the address provided must match the record on Companies House

Name	Urban Hydro Ltd
Address line 1	unit 9 Damgate Lane industrial estate
Address line 2	Damgate lane
Address line 3	
Address line 4	
Postcode	NR13 3DJ
Daytime telephone number	<input type="text"/>
Email address	<input type="text"/>
Registered number, if applicable	12958472

Page: Tell us about the premises

A licence is not required between 08.00 and 23.00 on any day, with no limit on audience size for:

- any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
- any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
- any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
- any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

What are you applying for? apply for a new premises licence

Section: Apply for a new premises licence

Name of premises or business The 100 Acres
Address line 1 Cowles Drove
Address line 2 Hockwold Cum Wilton
Address line 3
Address line 4
Postcode IP26 4JQ

Telephone number at the premises

Please give a brief description of the premises A farmers fields

When do you want the premises licence to start?
(dd/mm/yyyy) 15/08/2022

If you wish the licence to be valid only for a limited period, when do you want it to end? (dd/mm/yyyy)

What is the non-domestic rateable value (NDRV) of the premises? None - £4,300

If you're unsure of the non-domestic rateable value you can double check this on the [GOV.UK](https://www.gov.uk) website. **If the premises hasn't been set a non-domestic rateable value by the valuation office, then please select the lowest band.**

How many people are expected to attend the premises at any one time? 5,000 - 9,999

If you have 30,000 or more people attending at any one time, you will need to contact us.

What you will need to pay

The application fee for a non-rateable value below £4,300 is: **£100.00**

The additional application fee for 5,000 - 9,999 attendees is:

£1000.00

Annual payments

Each premises licence we grant will need to pay an **annual fee**. We will invoice you annually on the date when the first licence was issued.

Where do you want your annual invoice sent to? Applicant's address

Page: Tell us which licensable activities

Will you be providing plays at the premises? No

Will you be providing films at the premises? Yes

A licence is not required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.

Will you be providing indoor sporting events at the premises? No

Will you be providing boxing or wrestling entertainment at the premises? No

Will you be providing live music at the premises? Yes

A licence is not required for:

- a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
- a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
- a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
- a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
- a performance of amplified live music between 08.00 and 23.00 on any day, at the nonresidential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.

Will you be providing recorded music at the premises? Yes

A licence is not required for:

- any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
- any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
- any playing of recorded music between 08.00 and 23.00 on any day, at the nonresidential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the

local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Will you be providing performances of dance at the premises? No

Will you be providing anything of a similar description to live music, recorded music or performances of dance at the premises? Yes

Will you be providing late night refreshment at the premises? Yes

Late night refreshment is only licensable between the hours of 11pm and 5am.

Will you be selling or supplying alcohol at the premises? Yes

Page: Provision of films

Please make sure you provide the timings in a 24 hour clock, for example, 16:00 and only provide details for the days of the week when you intend the premises to be used for the activity.

Section: Monday

Start time

End time

Section: Tuesday

Start time

End time

Section: Wednesday

Start time

End time

Section: Thursday

Start time

End time

Section: Friday

Start time 10:00

End time 23:00

Section: Saturday

Start time 10:00

End time 23:00

Section: Sunday

Start time 10:00

End time 23:00

Will the provision of the films take place indoors, outdoors or both? Both

Please provide further details here In this context indoors refers to a tent or marquee

Please state any seasonal variations to the provision of the films The premises will only be used for licensable activities for a single event in September each year, starting on a Thursday until Monday. Totalling a maximum of 5 of days only

Where you intend to use the premises for the provision of films at different times to those listed

above, please specify below:

Page: Provision of live music

Please make sure you provide the timings in a 24 hour clock, for example, 16:00 and only provide details for the days of the week when you intend the premises to be used for the activity.

Section: Monday

Start time 00:00

End time 01:00

Section: Tuesday

Start time

End time

Section: Wednesday

Start time

End time

Section: Thursday

Start time

End time

Section: Friday

Start time 10:00

End time 01:00

Section: Saturday

Start time 10:00

End time 01:00

Section: Sunday

Start time 10:00

End time 01:00

Will the provision of the live music take place indoors, outdoors or both? Both

Please provide further details here

Provision of live music will be via performance of bands and djs. We intend to have 1 main stage, 1 dance tent and an acoustic stage. Music on the main stage will play only between 2:00pm and 23.00pm
Music in the dance tent will play only between 2:00 pm and 23:00pm
Music in the acoustic zone will play between 10:00am and

1:00am. This will be unamplified. In this context indoors refers to a tent or marquee

Please state any seasonal variations for the provision of the live music

The premises will only be used for licensable activities for a single event in September each year, starting on a Thursday until Monday. Totalling a maximum of 5 of days only

Where you intend to use the premises for the provision of live music at different times to those listed above, please specify below:

Page: Provision of recorded music

Please make sure you provide the timings in a 24 hour clock, for example, 16:00 and only provide details for the days of the week when you intend the premises to be used for the activity.

Section: Monday

Start time 00:01

End time 01:00

Section: Tuesday

Start time

End time

Section: Wednesday

Start time

End time

Section: Thursday

Start time

End time

Section: Friday

Start time 10:00

End time 01:00

Section: Saturday

Start time 10:00

End time 01:00

Section: Sunday

Start time 10:00

End time 01:00

Will the provision of the recorded music take place indoors, outdoors or both? Both

Please provide further details here

Music will be played from 1 main stage, 1 dance tent and 1 acoustic stage
Music will be played on the main stage between 14:00pm and 23.00pm
Music will be played in the dance tent between 14:00pm and 23:00 pm
Music will be played from the acoustic area between

10:00am and 01:00 am. This will be unamplified.
In this context indoors refers to a tent or marquee

Please state any seasonal variations for the provision of recorded music

The premises will only be used for licensable activities for a single event in September each year, starting on a Thursday until Monday. Totalling a maximum of 5 of days only

Where you intend to use the premises for the provision of recorded music at different times to those listed above, please specify below:

Page: Provision of anything of a similar description to live music, recorded music or performances of dance

Please make sure you provide the timings in a 24 hour clock, for example, 16:00 and only provide details for the days of the week when you intend the premises to be used for the activity.

Section: Monday

Start time 00:00
End time 01:00

Section: Tuesday

Start time
End time

Section: Wednesday

Start time
End time

Section: Thursday

Start time
End time

Section: Friday

Start time 10:00
End time 00:00

Section: Saturday

Start time 00:00
End time 00:00

Section: Sunday

Start time 00:00
End time 00:00

Will the provision of anything of a similar description to live music, recorded music or performances of dance take place indoors, outdoors or both?

Both

Please provide further details here

We will have fire performances and walkabout performances going on throughout the weekend. All fire performance will take place outside with appropriate risk assessments performed (see EMP for full details)
In this context indoors refers to a tent or marquee

Please state any seasonal variations for the provision of anything of a similar description to live music, recorded music or performances of dance

The premises will only be used for licensable activities for a single event in September each year, starting on a Thursday until Monday. Totalling a maximum of 5 of days only

Where you intend to use the premises for the provision of anything of a similar description to live music, recorded music or performances of dance at different times to those listed above, please specify below:

Page: Provision of late night refreshment

Please make sure you provide the timings in a 24 hour clock, for example, 16:00 and only provide details for the days of the week when you intend the premises to be used for the activity.

Section: Monday

Start time 00:00

End time 02:00

Section: Tuesday

Start time

End time

Section: Wednesday

Start time

End time

Section: Thursday

Start time

End time

Section: Friday

Start time 23:00

End time 02:00

Section: Saturday

Start time 23:00

End time 02:00

Section: Sunday

Start time 23:00

End time 02:00

Will the provision of late night refreshments take place indoors, outdoors or both? Both

Please provide further details here Provision of food and drink from food vendors

Please state any seasonal variations for the provision of late night refreshment The premises will only be used for licensable activities for a single event in September each year, starting on a Thursday until Monday. Totalling a maximum of 5 of days only

Where you intend to use the premises for the provision of late night refreshment at different times

to those listed above, please specify below:

Page: Provision of alcohol

Please make sure you provide the timings in a 24 hour clock, for example, 16:00 and only provide details for the days of the week when you intend the premises to be used for the activity.

Section: Monday

Start time

End time

Section: Tuesday

Start time

End time

Section: Wednesday

Start time

End time

Section: Thursday

Start time 12:00

End time 23:30

Section: Friday

Start time 10:00

End time 23:30

Section: Saturday

Start 10:00

End time 23:30

Section: Sunday

Start time 10:00

End time 23:30

Will the provision of alcohol take place on the premises, off the premises or both? on the premises

Please state any seasonal variations for the provision of alcohol The premises will only be used for licensable activities for a single event in September each year, starting on a Thursday until Monday. Totalling a maximum of 5 of days only

Where you intend to use the premises for the provision of alcohol at different times to those listed above, please specify below:

Page: Tell us about the Designated Premises Supervisor (DPS)

Is this an application for a commercial premises licence requiring a DPS for alcohol sales? Yes

Are you the proposed Designated Premises Supervisor (DPS)? No

Section: Tell us about the DPS

Please state the name and details of the individual who you wish to specify on the licence as Designated Premises Supervisor (DPS).

Title	Ms
Forename (s)	Emma Clare
Surname	Neale
Date of birth (dd/mm/yyyy)	
Nationality	
Address line 1	
Address line 2	
Address line 3	
Address line 4	
Postcode	
Personal licence number:	
Issuing licensing authority:	Kings Lynn & West Norfolk Council

You can use the following upload facility to provide a DPS consent form completed by the above individual:

Uploaded files*

[DPS Page 1.jpeg](#)

[DPS page 2.jpeg](#)

* If empty, no files were uploaded

Page: Tell us the premises opening hours

Please tell us the hours the premises are open to the public. Please make sure you provide the timings in a 24 hour clock, for example, 16:00 and only provide details for the days of the week when you intend the premises to be used for the activities.

Where the 'on sale of alcohol' is present, you may wish to consider drinking up time, for example, alcohol sales end at 23:00, premises open until 23:30.

Section: Monday

Start time 00:00
End time 14:00

Section: Tuesday

Start time
End time

Section: Wednesday

Start time
End time

Section: Thursday

Start time 12:00
End time 00:00

Section: Friday

Start time 00:00
End time 00:00

Section: Saturday

Start time 00:00
End time 00:00

Section: Sunday

Start time 00:00
End time 00:00

Please tell us about any seasonal variations

The general public will arrive from 12:00 on the first day of the event and will be camping on site until they leave on the final day of the event. Licensable activities will take place per the operating schedule

Please tell us where you intend to use the premises at different times to those listed above, please

specify below:

Page: Tell us about the operating schedule

Please highlight any services, activities, entertainment or matters ancillary to the use of the premises that may give rise to concern in respect to children

We see no rise of concern in respect of children. The event is for over 18s only so no children will be present in an area with a licensable activity.

Please describe the steps you intend to take to promote the four licensing objectives:

General - List here the steps you will take to promote all four of the licensing objectives

This license shall authorise only the event named Paradise Gardens Hydro and Urban Lifestyle Show which shall allow access to public ticket holders on the premises for no more than 6 days

The license shall authorise a cumulative maximum attendance of the event of up to 8,000 to include all public weekend tickets, day tickets as well as staff and complimentary performer passes.

The breakdown of the event will be made available for the licensing authorities and Responsible Authorities

Regulated Entertainment shall be restricted within the blue lines on the sitemap attached to the license application

Supply of alcohol shall be restricted within the red lines on the sitemap attached to the license application. Alcohol may be consumed outside of these areas but not outside of the wider premises.

Late night refreshment shall be restricted within the green lines on the sitemap attached to the license application

An initial Event Management Plan (EMP) shall be made available to the Licensing Authority at least 60 days prior to the commencement of the event period.

The EMP shall contain detailed proposals for the event in policies and plans to promote all the licensing objectives of public safety, prevention of crime and disorder, prevention of public nuisance and protection of children from harm

The prevention of crime and disorder

The perimeter of the event shall be secured at all reasonable access points prior to public ticket holders being admitted to the main site.

The campsites, car parks and event arena shall be patrolled by security and stewards during the event.

Security staff will carry out random searches at the entrances to the event for drugs, offensive weapons and other contraband or prohibited items. Signage will be displayed to indicate that No glass containers or bottles shall be allowed inside the main site with the exemption of approved event traders. Bottle banks and amnesty containers shall be placed at the entrances to facilitate disposal.

All sales of alcohol and other drinks shall be provided in non-glass drinking vessels. All glass bottled drinks shall be decanted at point of sale

The designated Premises Supervisor (DPS) or nominated

deputies shall be present on the licensed site when alcohol is being supplied under the premises license.

Public safety

Risk assessments shall be carried out by suitably competent and experienced persons to identify appropriate levels of medical, welfare and other public health resources to provide initial on-site treatment for a range of reasonably foreseeable conditions and incidents

No animals other than assistance dogs, helper dogs and dogs from security or Police are to be allowed onto the main site during the event period

A suitably qualified and competent person shall prepare and implement a Crowd Dynamics Plan which shall be included as part of the EMP and will demonstrate how public safety risks shall be properly assessed and mitigated

A suitably qualified competent person shall prepare and implement a Trader Information Management Plan which shall be included as part of the EMP.

Details of food and drink vendors shall be provided to the licensing authority at least 14 days prior to the event.

Details of each vendor to include: trading name, contact details, local authority to which the vendor is registered

Any vendor found to be contravening any of the condition of the operating schedule, the EMP or other part of the premises license shall be prohibited from trading during the event.

A suitably qualified and experienced person shall prepare and implement a Campsite Management Plan which shall be included as part of the EMP

Toilet facilities shall be provided in sufficient numbers, above those required within the relevant guidelines. They shall be emptied and cleaned on a regular basis and shall be distributed across the entire event site

A ready supply of wholesome drinking water shall be made available free of charge at water points throughout the site during public occupation

A suitably competent person shall prepare and implement On and Off Site traffic Management Plans which shall be included as part of the EMP

The Off Site management plan shall include details on:

Parking Provisions

Road Signage and offsite infrastructure

Road Closures if needed

Contingency plans for ground surfaces

Separation of vehicles and pedestrians

Contractors, traders and access routes during the build

Access routes for service vehicles during the event period

Measures to limit the exposure of the public to excessive musical noise shall be included in the Noise Management Plan

Adequate lighting shall be provided to all access/exit routes to and from the licensed site, campsites and toilet blocks when the public are in attendance

The prevention of public nuisance

Amplified music shall only be played on any system rated above 200 watts within the areas marked in blue on the

sitemap.

No music shall be played on any system rated above 200 watts after 24:00 on any day during the event.

Litter bins shall be provided throughout the campsites, the main event arena and around the campsites and shall be regularly emptied by the litter teams to prevent a build up of waste

Temporary lighting shall be located and directed as far as is practicable to minimise risk of nuisance caused by noise and light spillage to the occupiers of residential properties

The protection of children from harm

The event is for over 18s only.

The only exception may be children of core crew who will be under the direct supervision of their parent or guardian at all times. No under 18s will at any time be in the area of a licensable activity – please refer to the sitemap as referenced under section A of this document.

Checks shall be carried out at the gates and also at any bars should someone appear to be under 18.

“Challenge 25” sign which is a retailing strategy that encourages anyone who is over 18 but looks under 25 to carry acceptable ID (a card bearing the PASS hologram, a photographic driving license or a passport) if they wish to buy alcohol

The DPS or person on their behalf shall ensure that all staff engaged in the sale of alcohol have received suitable training or instruction in relation to the prevention of sales to person under 18 years of age.

No person under the age of 18 shall be permitted to serve alcohol

Soft drinks and free drinking water shall be available on site as an alternative to alcohol

Page: Documents checklist - applying for a premises licence

You must tick the following statements to confirm you've understood them:

Checklist

- ✓ I understand that I must advertise the application both in the newspaper (within 10 working days) and on the premises (the day after the application is accepted). The Borough Council will send the notice once the application is accepted
- ✓ I will send a copy of the advert once it has appeared in the newspaper - do not advertise until accepted
- ✓ I understand that if I do not comply with the above requirements my application may be rejected
- ✓ The DPS named in this application is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate

As part of this application, you need to provide the following information:

You can use the following upload facility to provide a copy of the set to **scale plans** for the premises:

Uploaded files*

Sitemap Car Park And Quiet Camping.jpg
Sitemap Arena.jpg
Gmaps Satellite View.jpg

* If empty, no files were uploaded

You can use the following upload facility to provide a **DPS consent form** completed by the proposed premises supervisor:

Uploaded files*

* If empty, no files were uploaded

You can use the following upload facility to provide documents demonstrating your **right to work** in the UK:

Uploaded files*

* If empty, no files were uploaded

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), you'll need to provide the 9-digit 'share code' provided to the applicant for that service.

How many share codes do you need to tell us about?

Any further information

Your ref no: Form ref:
RZGPXWGV

Form title: Apply for a new premises licence or a full variation

Page: Payment summary

Application fee for RV below 4300	£100.00
Application fee for 5000 to 9999 attendees	£1000.00
<hr/>	
Total	£1100.00

Page: Declaration and payment

Review your answers

Before clicking 'submit' you must review all of the answers you've provided. **Once your form has been submitted, you cannot make any changes.** If you need to make any amendments to this form, then click 'previous' (you will need to click the declaration box first). Please click on the following link to double check your answers.

[Open a read only view of the answers you have given \(this will open in a new window\)](#)

Privacy notice

The Council has a duty to process and store your personal information safely and securely in line with data protection legislation, which here means the General Data Protection Regulations (Regulation (EC) 2016/679 which is in force from 25 May 2018) (GDPR) and any national implementing laws, regulations and secondary legislation, as amended or updated from time to time, in the UK and then any successor legislation to the GDPR.

The Borough Council of King's Lynn and West Norfolk (the Council), of Kings Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX is the data controller for the purposes of the GDPR and associated domestic law.

We will use your personal information for the purposes of the provision of the licensing services. The processing of this information is necessary for the Council to undertake a public task, i.e. the processing is necessary for the Council to perform a task in the public interest or for its official functions, and the task or function has a clear basis in law, in this case the Licensing Act 2003, as amended.

Your data may be shared between Council departments and other agencies where there is lawful authority to do so.

Your information will be kept strictly confidential. It will be stored separately from other information in a secure, password-protected database on the Council's computer system.

Your personal information will be kept for as long as you require a licence and for a period after the service is terminated. You can find more information about our retention policy on the [privacy notice](#) page. We will only use your data within the terms of data protection laws, will delete your data securely and only keep it for as long as necessary. We will review dates for keeping personal data in the future and if necessary update these privacy notices.

You may see copies of the data held about you and ask for it to be corrected or deleted.

You can find more information about Data Protection and the Council's Data Protection Officer, on our [Data Protection](#) page.

If you are unhappy with the way your personal information is being handled you can contact the [Independent Information Commissioner](#).

Declaration

Please read this declaration carefully before you press submit.

- I certify to the best of my knowledge and belief, the information supplied by me on this form is accurate
- I understand that it is an offence under section 158 of the Licensing Act 2003 to make a false statement in or in connection with this application. Those who make a false statement may be liable on summary conviction to a fine of any amount
- I understand that it is an offence under section 24B of the Immigration Act 1971 for a person to work when they know, or have reasonable cause to believe, that they are disqualified from doing so by reason of their immigration status. Those

who employ an adult without leave or who is subject to conditions as to employment will be liable to a civil penalty under Section 15 of the Immigration, Asylum and Nationality Act 2006 and pursuant to Section 21 of the same Act, will be committing an offence where they do so in the knowledge, or with reasonable cause believe, that the employee is disqualified

- I understand the personal information collected on this form will be used by the Borough Council of King's Lynn and West Norfolk to process my request, and deliver the service
- I understand the personal information will only be disclosed to the Norfolk Constabulary Licensing Team and the Home Office in connection with delivering this service
- I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work related to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK

You can find out more detailed information about our Privacy Policy, on our [privacy notice page](#).

I confirm that all of the details I have provided are correct and I understand that the information provided on this form is subject to the provisions of the above privacy notice.

Once you've completed the declaration, please 'submit' your form. You will then be passed to a secure site to make your payment.

Licensing Manager
Borough Council Kings Lynn and West
Norfolk,
Kings Court,
Chapel Street,
Kings Lynn

Bethel Street
Norwich
NR2 1NN

[Email: licensingteam@norfolk.police.uk](mailto:licensingteam@norfolk.police.uk)

www.norfolk.police.uk
Non-Emergency Tel: 101

03/03/2022

Ref Urban Hydro Festival, Cowles Drove, Hockwold

Dear Marie,

Norfolk Constabulary, as a responsible authority under the Licensing Act 2003, feel it appropriate to provide an overview on last year's event from a policing perspective, thus ensuring any Licensing Sub-Committee has a complete picture of the event.

Observations from the Inspector who coordinated the policing of the event last year included: -

- Visitors to the site reported an all-embracing aromatic smell coming from the festival. I think it could be accepted this was probably from cannabis use.
- There was social media footage from the dance stage, of a DJ pulling on a large spliff, to the evident delight of the crowd and then blowing a pall of smoke to rapturous cheers and applause.
- The company Urban Hydro uses the phrase "innovative hydroponic and indoor growing technology". There may be an innocent interpretation, but I think, in this context, this alludes to cannabis cultivation.
- There was one arrest at the event last year after a driver crashed his vehicle and made off. When apprehended he was found to be affected by drugs misuse and in possession of cannabis.

Of note, security searching at the site last year was described by attending officers as hap-hazard. This year Norfolk Constabulary seeks a more **robust search policy at the entry point to the site, by accredited SIA door supervisors, in sufficient numbers and with ongoing, continued vigilance and use of the amnesty bins during the festival**. The Constabulary cannot influence the marketing of this event, but the impression to the general public is the festival is drugs tolerant. In line with the licensing objectives and in particular the prevention of crime and disorder, we cannot tolerate overt drug use at any festival.

Road safety has been explored and the site is deemed safe and accessible. Although there were concerns raised by residents, to police officers, about noise and intrusion to daily lives at last year's event, such matters, save for emergencies, sit with other regulating authorities.

To conclude, Norfolk Constabulary objects to the application based on the perceived failure to promote the crime and disorder licensing objective. Conditions are sought, as highlighted, to mitigate the risk of drugs misuse.

Yours sincerely

Chris Brooks
Licensing Officer
Norfolk Police

Representations received from 'Other Persons'.

No.	Name/s	Address
1		
2		
3		
4		
5		
6		
7		



IP27 9LG

22th February 2022

Environment and Planning-Licensing
Borough of King's Lynn & West Norfolk
Kings Court,
Chapel Street
King's Lynn
PE30 1EX

Dear Environment and Planning-Licensing Department.

Application No: 21/01183/LA_PRE with drawn and RZGPXWGV sent as replacement

Applicant: Urban Hydro Ltd

The 100 Acres, Land SW of Kens Corner and Red Barn Known as The 100 Acres, Cowles Road, Hockwold Cum Wilton, Norfolk

We are contacting you regarding the application to hold a 5-day festival at the above location from September 1st to September 5th.

I understand that application 21/01183/LA has been withdrawn and a new application reference RZGPXWGV has been sent. On reading the new requirements I felt I needed to state our objection.

We would firstly like to object on the ground of noise pollution. We were at home during the last event and found the noise level to be excessive both outside and in. We could hear the music over our TV and given the lateness of this event, found it unacceptable. We run a small building company and under planning permission condition we are only allowed to work between 8am-6pm Monday to Friday and 8am-12pm on a Saturday, giving consideration to the neighbouring properties. This doesn't appear to have been a consideration in the case of this event. It looks like the event will be going on for an additional hour in the evenings this year and which given the fact one of them is a Sunday does not seem fare for the local community. Anyone driving a HGV, working machinery or in the care industry need their sleep, and failure to get it could cause a catastrophic event. Is this really necessary most official event finish at 11pm and early on a Sunday.

It is also a concern that the only way onto the piece of land is via a narrow rural unmaintained track onto a concrete bridge only wide enough for a tractor. Will this be sufficient to get every into the event with caravans and camping equipment, the traders and staff. Suppose there was a fire has any consideration been given to how the site would be evacuated. Also I understand from the local Council Meeting that there is only a tap that the Farmer uses on site no proper Fire hydrant providing water for the Fire brigade to use. That would be in they could get onto the site given the fact there is only one entry point and everyone would be trying to get out of it.

It would appear that the number of people attending has also grown from last years 2,000 - 3,000, to an expected 5,000 – 10,000 more than double. Will they all, be able to stay on site or will they be coming into the local environment using our facilities and camp sites. We are a small rural community and we do not have the infrastructure for an event of this size.

We live in the country because of the air quality and the peace and quiet, we understand that this is only one weekend a year (so far) but they are looking to have more event with more people. We are deeply concerned about the impact on our local environment and surrounding area.

Many thanks for your time, two concerned villagers.

Yours sincerely



IP279LH

24.2.22

Environment and Planning- Licensing
Borough Council of King's Lynn & West Norfolk
King's Court
Chapel Street
Kings Lynn
PE30 1EX

Dear Sir/madam

Objection to APPLICATION REF 21/01183/LA_PRE- Urban Hydro Ltd music festival
Form ref RZGPXWGV

With reference to the above mentioned application, I wish to make an objection to this being a public nuisance in respect of noise and a danger to public safety.

The application has applied to be permitted to play live music/ similar to live, recorded music and dance /any playing for long continuous hours (Friday 10.00hrs continually through to Monday 01.00hrs)

The duration for four days will be an unwelcomed disturbance to the rural peaceful environment and will have a negative impact upon the quality of our health and wellbeing and reducing quality sleep.

Last year this even took place with no consideration towards neighbouring Sedge Fen residence. The continuous noise beyond respectful hours not only disturbed our sleep but was torturous as the constant sound was stressful.

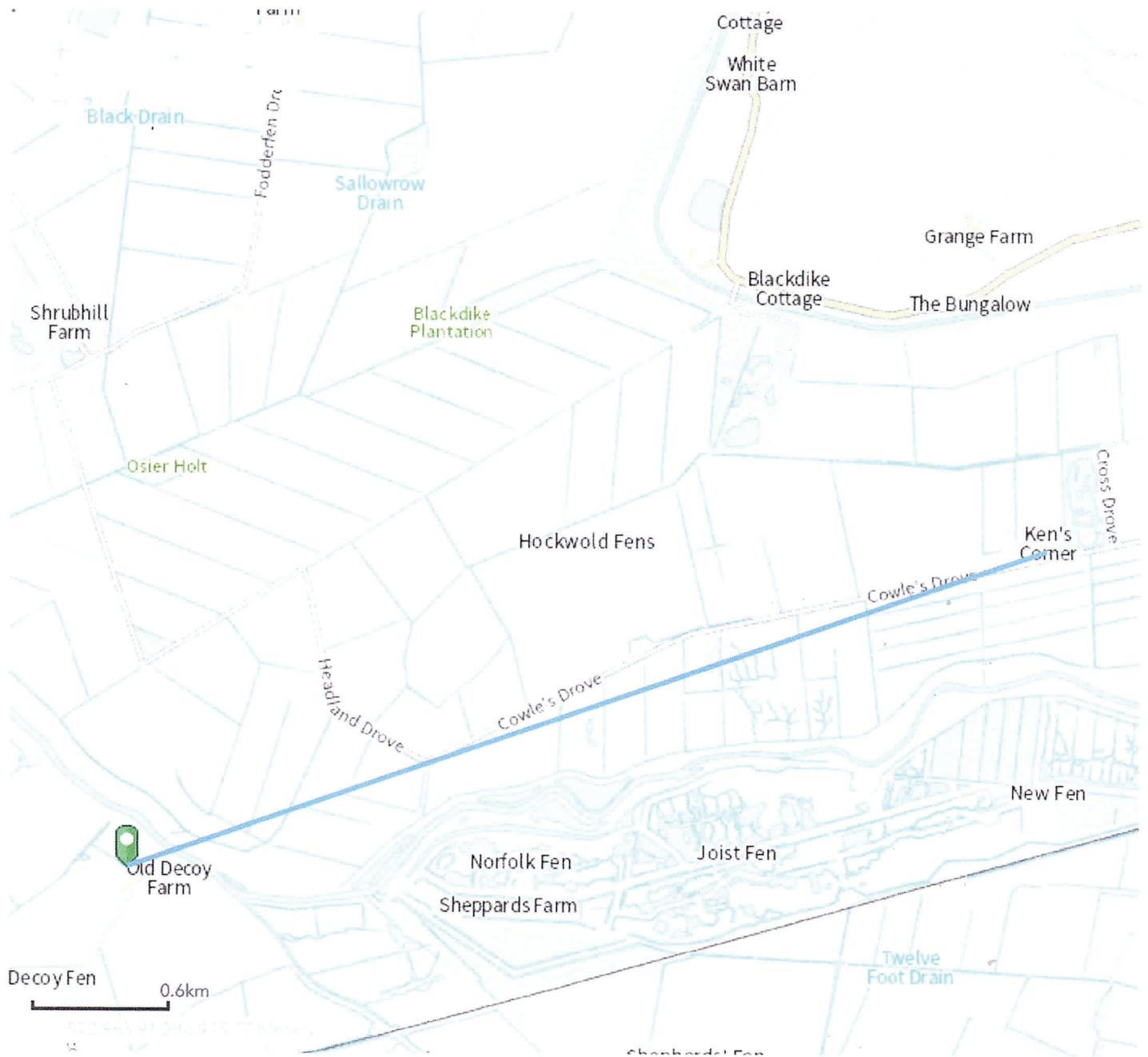
We live in Sedge Fen which is approximately just over 2 miles from the venue (please see map attached). There is no coppice of tall trees nor no estate of tall building to prevent the sound travelling across the flat fenland landscape.

I am informed that West Norfolk monitored the sound to protect residence of Hockwold suffering the noise and in addition I believe the applicant also positioned speakers to protect Hockwold residence, but this was at the expense of Sedge Fen residence who had no preventative measure put in place and suffered the consequences.

Living in a rural area most residence drive during this weekend whether it is to go to work or for other reasons and DVLA require drivers to have adequate sleep/ rest before driving. Failure leads to qualitative sleep deprevation and in the event of an accident the driver would be deemed as committing an offence of dangerous driving due to lack of quality rest. The four days, duration of hours and in particular up to 01.00hr Monday is extensive in this application and this needs addressing to protect those who are legally required to have qualitative rest such as the professional HGV drivers and those that need to travel to work at weekends, as well as all other residence health and wellbeing too.

Kind regards





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Sent: Friday, February 25, 2022 2:50:29 PM (UTC+00:00) Dublin, Edinburgh, Lisbon, London
To: EH Licensing
Subject: Urban hydro ref 22/00096/LA_PRE

I am writing regarding the paradise gardens 5 day event that they are already advertising and selling early bird tickets for on the 1st -5th September 2022 to be held on Cowles Drove Hockwold Ip264jq We have deep reservations about this event being held again this year as last year was a nightmare for us we live at the end of Cowles Drove adjoining the main rd ,we had people urinating and constantly turning in our drive until I had to block it off completely,We we're told that there would be Marshall's at all times at this end of Cowles Drove but there were only 3 Marshall's employed from 10am to 10 pm so there was no one there when people left after the music finished at 11pm when I got hold of one of the organisers James Fox told us that there were less Marshall's as the company had staff off with COVID but when I spoke to the Marshall in charge he told me they had no one off and Mr Fox had only booked 3 people ,also the Marshall that was down this end had no facilities therefore he also was urinating in the hedge opposite my gate Every morning the event was on I had to remove bottles beer cans and other rubbish from my horses paddocks there was a huge amount of police presence who were very helpful but surely could have been better deployed as a force that is short of numbers anyway , We also had blue light ambulances collecting people outside our gate that were having seizures we tried to contact Mr Fox during the event to sort out some of the problems while he said he would come to see us he didn't bother Also we were not made aware that this event was going ahead last year until after the license had been granted the only notices were miles up the unmade road on a field fence ,Cowles Drove is mainly an unmade road which already carries a lot to much traffic due to having a large recycling plant and a large traveller site on it Please accept this email as an objection to this event I would also like to draw attention to the fact that the only notice for this event are up a track that is nearly impassable even in my 4x4 and only one notice is remaining while I know this is due to the weather it seems once again that the planning for this event is being hidden from public view



Sent from my iPhone

Sent from my iPhone

[Redacted]

Sent: 04 March 2022 09:58
To: Marie Malt <Marie.malt@west-norfolk.gov.uk>
Subject: New Licence Application Ref: 22/00096/LA PRE

Below please find my objection to the Licence Application. Could you please confirm receipt of this.

Many thanks,

[Redacted]



IP26 4JQ

4th March, 2022

Ref: New Premises Licence Application Ref: 22/00096/LA PRE

Dear Sirs,

ARE THE COUNCIL AWARE?

Cowles Drove is officially classified as a Byway Open to All Traffic (BOAT)

A BOAT is a highway over which the public have a right of way for vehicular and all other traffic but which is used by the public mainly for the purposes for which footpaths and bridleways are used (i.e. walking, cycling or horse riding).

I believe the Councillors would be EXTREMELY IRRESPONSIBLE TO ENCOURAGE SUCH A LARGE VOLUME OF VEHICULAR TRAFIC ALONG A HIGHWAY CLASSIFIED AS MAINLY FOR WALKING, CYCLING OR HORSE RIDING.

I have been informed that the Highways Department, Norfolk County Council, are responsible for ensuring the Drove is kept in a reasonable condition. Perhaps you could liaise with them.

.....
...

My Objections

With regards to the Application for the New Premises Licence Application Ref: 21/01183/LA PRE made by Urban Hydro Ltd, I would urge the Council to take the following into consideration.

Urban Hydro was granted permission to hold a similar festival last year and thankfully it did not cause the level of disturbance feared. However, the expected attendance of 8000 festival goers did not materialize and the police estimate was between 1500 and 2000 people. Also there was a high level of Police presence. I believe the applicant will still be applying for permission for 8000 festival goers and therefore I must again object.

Cowles Drove

Cowles Drove is an ancient drove road. It is the only vehicle access to the 100 acre site. Only 4/10th of a mile is concrete after which one must travel over a mile of dirt track before reaching the proposed site. At places the Drove is not wide enough for two vehicles to pass safely. There is a deep dyke running the entire length of the Drove. There is no pavement or street lighting along its entire length. The surface of the Drove is extremely uneven with many deep potholes. Last year the applicant's representative informed the Licensing Sub Committee Council Hearing dated 21st July 2021 that "the Drove was well able to accommodate the volume of traffic expected and that the applicant would repair the surface after the event". Firstly the promised repairs were minimal and secondly in the 30 odd years I have lived down the Drove I have never known it so bad as this winter. If this becomes a yearly event I fear the surface of the Drove will be destroyed completely and become impassable. Also last year the dust along the Drove became intolerable. The Police officers in attendance can confirm they were finding it difficult to breath.

Public Safety

As well as the Drove having no pavements or street lights, the dyke has to be crossed to enter the site. There is a bridge wide enough for one vehicle. This bridge has no sides to prevent a vehicle or a walker toppling into the dyke. The applicants map from last year shows the entire site is enclosed by dykes with 4 internal dykes to be crossed when walking around the site.

I find it hard to believe the Emergency Services are happy with only one access road - the Drove. (The 100 Acres site is over a mile from the nearest actual road the B1112); one bridge as entrance and exit for all vehicles to the site. Plus all those dykes.

The licensee has a duty of care, but if the music stops after at 2 am and festival goers then make their way home, they will be walking or driving along a dirt track with no pavements; no lighting whatsoever; and a deep water filled dyke the whole length of the drove. Will there be any marshals along the drove throughout the night to assist?

Water

The nearest hydrant is over a mile from the site and proved inadequate when there was a fire at the recycling centre in 2021. There is a water pipe to this site but it is over 40 years old and a private supply not recognized by Anglia Water. The pressure is quite low and cannot be relied upon, especially in an emergency.

Mobile Phone Signals

It is not always possible to get a phone signal so far from the village. Again this could be a problem in an emergency.

Disturbance

Even 1500 – 2000 festival goers caused disturbance to this peaceful village but fortunately the noise was not a major problem. However, the residents of Sedge Fen (2 miles as the crow flies) endured 5 days of extremely loud music. I believe this was because the stage and speakers were faced away from Hockwold. I also believe the RSPB Lakenheath Fen requested this be done to ensure they were not disturbed. If the residents of Sedge Fen object where is the sound going to be directed this year? Also I notice permission is being sought for the music to continue until 2 am (an additional 3 hours per night).

At the hearing last year the applicant's representative stressed several times that "this is a life style festival with some music" - why then the extra hours for music?

Conclusion

Although there was only 25% of the expected festival goers last year, it still caused disruption. If the festival was to be given permission for this and future year, we must assume it will cause the same, if not more disruption, damage to the Drove, and increased danger to the festival goers.

We have been told that only four subject can be considered regarding the application for this licence but the licence is in order for a festival to take place. At last years Hearing the applicant's representative gave a long and full address of all the measures they will be taking for a festival and the application form details attendance numbers and entertainment being provided – surely my concerns for the safety of the festival should be taken into account?

I cannot stress enough how unsuitable and unsafe the 100 Acres site is for such an event, and urge you not to allow this licence.

Yours very truly,

Environment & Planning – Licensing,
Borough of Kings Lynn & West Norfolk,
Kings Court, Chapel Street,
Kings Lynn. PE30 1EX

parishclerkhockwold@gmail.com

3rd March 2022

RE:

Premises Name & Address: Paradise
Gardens Hydro & Urban Lifestyle Show
Land SW of Kens Corner And Red Barn
Known As The 100 Acres
Cowles Drove, Hockwold cum Wilton,
Norfolk

Application dated 5th February 2022

TO: EH & Licensing - Borough Council of King's
Lynn and West Norfolk

Hockwold cum Wilton Parish Council wishes to object to this application:

- A) because several areas of concern raised last year are still relevant and
- B) because there are new areas of concern with the current application

These concerns are listed separately under A) and B), each in the order of the relevant objection

A) Representations of concern raised last year and still relevant under the four licensing objectives

1. Prevention of crime & disorder

- There will be litter and the possibility of fly tipping by attendees, both along Cowles Drove and the surrounding roads. It would not be fair to expect the local population to clear any rubbish on the rural roads, or take on the additional costs.
- There is not a police presence or patrol in this area. The event will not be providing security along the drove, and the safety and peace of mind of the residents should not be forfeited for the benefits of a 5-day event. Last year's event saw event attendees urinating in the gardens of residents along the drove whilst wandering off the drove in an inebriated state. The property on the corner of Station Road and Cowles Drove saw no police presence and the event "stewards" were non-existent. The home owners reported trespassers, rubbish, and attendees using their property as a public toilet.
- Anti-social behaviour off site – With no police presence on the drove, and the security team for the event not monitoring off site, this leaves both the residents of Hockwold cum Wilton, and most importantly the residents of Cowles Drove, with concerns. The drove hosts local businesses, livestock, fisheries and private residences, with owners who are understandably concerned for the safety of their homes, animals, businesses and land.

2. Public Safety

- There have been instances where emergency services have been substantially delayed when attending an emergency along the drove because of difficulty moving along the

unmade surface. This exponential risk to the residents and the expected thousands of attendees is far greater than any benefit.

- A fire at the recycling centre on Cowles Drove saw fire trucks unable to quickly draw water from the dyke, leaving fire trucks having to run back and forth between the fire and local sources to bring in water. This was necessary because no firewater taps are available and there wasn't enough water available in the dyke. This event is at the end of summer when the dyke will not provide adequate water in the case of a fire.
- It is not known if the planned event shuttle bus service from Brandon train station actually took place last year or if it is planned again for this event. However, the only route through Hockwold cum Wilton is Main Street which is narrow and already sees traffic and safety issues with the village primary school, narrow pinched sections and parking on both sides. If the event is given a licence, a planned shuttle bus service and any event vehicles should not be allowed to travel through Main Street.
- Access to the event site is over a small one-vehicle bridge entrance. This will only allow one vehicle at a time to cross over. With the volume of vehicles expected, this will lead to even higher levels of traffic and many types of pollution along the drove.
- The traffic (including slow-moving caravans) will enter and exit Cowles Drove from and on to Station Road which has a 60mph speed limit. The location of Cowles Drove along Station Road is both hidden in one direction and over the bridge on the other. This is the only route for the event attendees to access the event. This area has a history of traffic collisions, and since May 2021 there have been five accidents at which police and/or ambulance were called, all of which related either to speeding or overtaking parked vehicles.
- Station Road (B1112) is the main artery between the two RAF bases (Feltwell and Lakenheath). The base school buses, as well as the regular flow of base work vehicles and workers, depend on the road to travel. Using Brandon as a substitute is both markedly longer and the route is plagued by long stand still traffic and train crossing delays. To subject the local population to both the traffic hazards and the ability to travel for a show is understandably unacceptable.
- Station Road (B1112) is the direct access for residents in Hockwold cum Wilton and Feltwell to travel to the two local surgeries (Lakenheath and Feltwell). This event will, without a doubt, cause stand still traffic and long waits for local residents to pass Cowles Drove, as well as campers, musicians, band members, stall holders, the organisers and staff. This junction (B1112 and Cowles Drove) and the drove itself, are not fit for purpose and will create an increased risk of incident and disruption to essential and non-essential traffic.
- Station Road (B1112) has no hard shoulder to pinch past or move around the line of attendee traffic waiting to turn on to Cowles Drove. This event with its expected numbers of attendees will bring travel along Station Road to a standstill.
- The local authority do not carry out any maintenance on Cowles Drove; this is done by residents themselves. The drove has stretches of unmade road with ruts and an uneven surface and the event's traffic will cause substantial additional wear and tear. It is both unreasonable and impractical to expect the few residents along the drove to shoulder the burden of the work and costs to repair the drove after such a large event. Last year's event saw the drove struggle at times to take the increased traffic. The majority of the repair to the drove after the event was left in the hands of residents. The Borough Council cannot possibly think this is acceptable.

- It has been pointed out by several landowners that the drove hosts properties with large ponds without barriers which would represent a potential hazard to event attendees who will (and have in the past) stray from the event.
- There is no street lighting to ensure safe travel along the drove after dark, for both pedestrian and vehicle travel, not to mention the ditches that border the drove. Events like this most assuredly host people who would be under the influence of alcohol and would not be aware of these hazards.

3. Prevention of public nuisance

- There will continue to be a risk of attendees parking on the drove and some will endeavour to camp along the drove on the private rural land that encompasses the area. The Parish Council is concerned that there may not be adequate police presence during the event and local residents left unaided.
- The effect of the amplified music on the rural setting will be extensive. Some residents along the drove have expressed their objections to the event and its noise disturbance to both the residents and the copious amount of wildlife, horses and livestock. The numerous areas with livestock and horses will be left unprotected and a draw for anti-social behaviour, especially with attendees with lowered decision making capabilities because of alcohol and / or drug consumption. The local authority has a responsibility to the local land owners.

B) Representations concerning event changes in the current application under the four licensing objectives

1. Prevention of crime and disorder

- For last year's event, the police pulled out all the stops and were visible for the whole weekend, throughout the main part of the village as well as Cowles Drove and this helped to put most residents' minds at rest. They were there, not just to police the event but also to assure safety to scared, elderly residents. It is not known whether this would happen again this year or whether it was a 'one off'. Will this event see the same police presence to ensure residents' and event attendees' safety and peace of mind?

2. Public Safety

- With the event's success last year and the end to Covid restrictions, it would be a fair assumption that, if the licence was approved, the event would see an increase in numbers attending. This, of course, would put an even greater strain on the unmade road. There is no plan submitted to complete any repair to damage of the road this event might cause. Last year's event saw a major issue with a substantial amount of dust along the drove, causing limited visibility similar to a sandstorm, but did not prevent impatient attendees from speeding or trying to overtake. Fortunately police action, taken to reduce the speed limit, helped but there was still a terrible mess for the residents to clear from their properties and residences.
- Residents of Sedge Fen reported misdirected event attendees trespassing on properties. Attendees, drawn by the sound of the music, but misled by the lack of signage, assumed the event was being held in Sedge Fen and caused disruption in that village. If the licence is

approved, the road signage and offsite infrastructure for this event should cover a larger area, but not just in the Sedge Fen area. It is essential that there is sufficient signage to ensure less impact on local roads with misdirected attendees.

- The state of Cowles Drove is a big concern. Cowles Drove is a Byway Open to All Traffic (BOAT in this instance Hockwold-Cum-Wilton BOAT8). A BOAT is a highway over which the public have a right of way for vehicular and all other kinds of traffic but which is used by the public mainly for the purposes for which footpaths and bridleways are used i.e walking, cycling or horse riding, not vehicles for 8,000 visitors. The impact on the drove following last year's event, was substantial, and the estimated number of attendees then was between 2,000 and 2,500. A possible addition of another 6,000 attendees and their vehicles could be extremely detrimental to the residents of Cowles Drove. What measures are planned for the damage and wear and tear that will be caused by this additional amount of traffic, both during and after the event?
- Page 4 of the application form states that up to 9,999 people are expected to attend the premises at any one time. Last year's event was limited to 8,000. If the licence is granted, will there be a similar limit?

3. Prevention of public nuisance

- Although little noise was heard by Hockwold cum Wilton residents last year, by the organisers attempting to steer the noise in the opposite direction, the village of Sedge Fen suffered instead. This caused substantial disturbance to our neighbours in Sedge Fen (albeit in a different county), who, until then, had been totally unaware of the event and had not been considered in the siting of the stage. No consideration had been given to the fact that there were no natural sound barriers across the Fens. I have attached two maps – one specifically details residences from Decoy Farm/ Decoy View, 52a Sedge Fen, plus three more residences. The aerial picture indicates where the noise disturbance affected other residents.
- Whilst the planned timings of the amplified music remain the same in this application as last year's, i.e. 23.00, in addition there are now plans to have a dance tent in addition to the live stage, both with amplified music. A tent, of whatever size, is hardly going to reduce the noise significantly and consequently, with double the amount of amplified music, there will be double the amount in noise levels. Having mentioned in the previous paragraph how far sound travels across the Fens, there will be even more disturbance to the residents of Sedge Fen, and, of course, Cowles Drove. How will any disturbance be handled during the event?
- In the application it states "No music shall be played on any system rated above 200 watts after midnight on any day during the event." The Parish Council requests information on how this will be measured and who will undertake this task. It was not mentioned in the application what levels the dance tent would produce. As it is proposed to continue until the early hours (especially on the Sunday), we would request that the application includes this information in addition to how it will be measured and monitored.
- Residents on Cowles Drove who live nearer to Station Road, reported numerous trespassers on their properties last year, with people wandering on to private property to use it as a public toilet or to dump rubbish. This caused both upset, frustration and at times was frightening to homeowners.

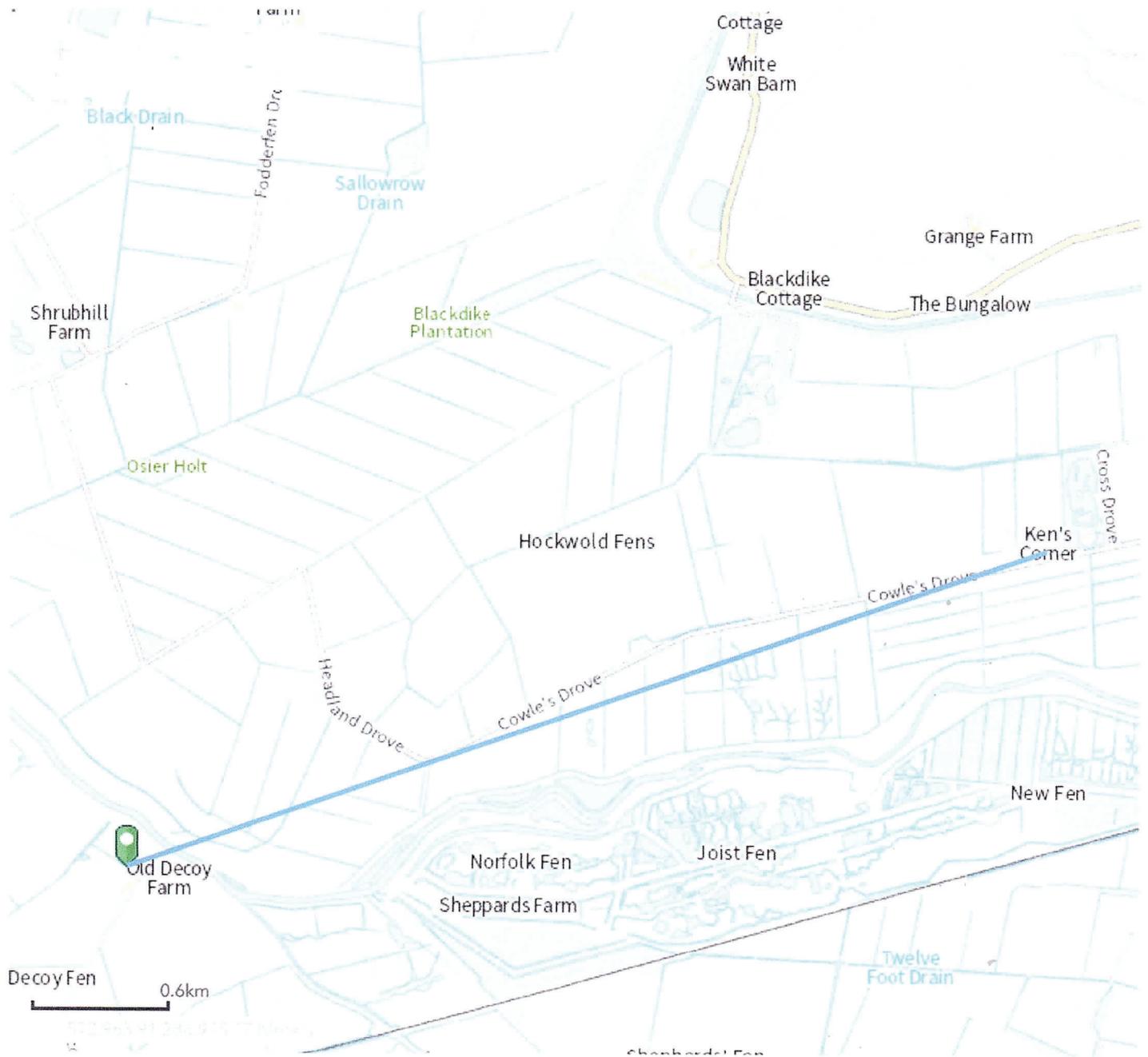
Social media indicates that several Hockwold cum Wilton residents attended last year's event and thoroughly enjoyed themselves though only one resident actually wrote to the Parish Council in favour of another event. At a meeting of the Parish Council on 25th January, councillors

unanimously agreed to submit an objection as they still had several concerns, as highlighted above.

Kind regards

Clerk

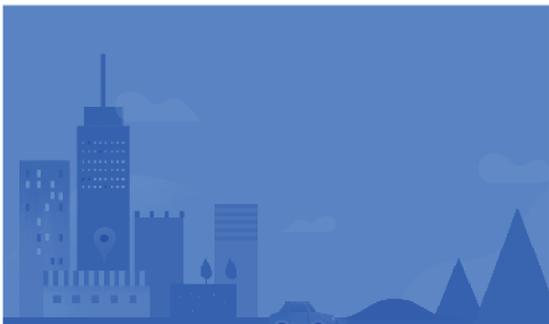
Hockwold cum Wilton Parish Council



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IP26 4JQ

Hockwold cum Wilton
Thetford
Postcode

Cloudy · 8°C
09:36

- Directions
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- Nearby
- Send to your phone
- Share

[Redacted]
Sent: 03 March 2022 17:24

To: Marie Malt <Marie.malt@west-norfolk.gov.uk>

Subject: Licence Application 22/00096/LA PRE

Please could you put this objection to the Licence Application, and confirm receipt.

Many thanks,

[Redacted]

.....

Please could this be used as my objection to:-

License Application Ref: 22/0009/LA PRE

You are probably not going to like what I am about to write, and maybe I am wasting my time, but it appears if last year is anything to go on, the concerns of Council Tax payers are of no consequence anyway. Many of my friends and neighbours will not be objecting this year as they feel it will be a waste of their time.

I can say this with confidence because history says no one, especially West Norfolk District Councillors, will take any notice of their Council Tax payers worries.

I feel I must remind the Councillors, who are supposed to, among other things, take into consideration the care of the Council Tax payers that they were elected to serve.

I have personally paid, originally rates, and now, Council Tax to this Council for over half a century I believe that that gives me a right to criticize where the Councillors who put a money generating operation (that pays the Council nothing) before that of that the Council Tax payers who are left to endure the consequences .

I know that there are four criteria regarding this application and the objection I am making must fit into one of them, if there is the will for it to do so.

- MY OBJECTION IS THAT THE PROPOSED FESTIVAL IMPINGES UPON THE "HUMAN RIGHTS" and "HEALTH" OF YOUR COUNCIL TAX PAYERS
-

I am aware that the residents of Sedge Fen have objected to this years festival because last year they endured three days of noise pollution in the extreme that no one should be subjected to. Their lives were basically put on hold for the duration of the festival and this in any form is unacceptable. This year the

application is for an additional two extra days. Also this year, in addition, the applicant has applied for the music to go on until 2 a.m.

The sound levels that apply to music venues are

HSE strongly recommends that the A-weighted equivalent continuous sound level over the duration of the event should not exceed 107db and the C- Weighted peak sound level should not exceed 140db these levels should be measured at a distance of 75 mtrs. from the stage.

The level of sound experienced by the residents of Sedge Fen approximately 2 miles from the venue last year we believe to have exceeded those levels

The applicant may say they will position their stage so that the noise created will travel in another direction, But if they point it in any of the four points of the compass it will bring harm to someone. Two miles in one direction is the village of Sedge Fen; in another is the RSPB where it will affect nesting birds and wild life and Lakenheath village; in another direction is RAF Feltwell home to the American service personnel and their families also their school; lastly the village of Hockwold who will also be expected to endure all of the aspects of the festival including the upheaval and all that that involves for five days . As already stated these places are within two miles of the proposed site. Because this is the “Fens” noise travels unimpeded for miles therefore whatever direction the applicant faces the stage someone's Human Rights and Health will be affected.

I would ask the Councillors hearing this application to put themselves in the position that the Council Tax payers will have to endure, but I am sure that would never be allowed to happen.

The Councillors concerned may find that my concerns do not fit any of the criteria, if that is the case I will have to finish this objection as I started it **“the concerns of Council Tax payers are of no consequence - after all who are they.”**

Some Councillors may feel that I am being cynical, over emotional, or just plain bloody minded. To this end I will give you an example.

Last year after objections against the 2021 festival the sub committee of the Council decided to do a site visit, when they arrived they were greeted by the applicant and asked if they would like to do an inspection of the site. We, who opposed the festival, asked if just one of us could accompany them. We were told “NO it would be too dangerous as there was a bull on the site”. After just fifteen minutes of inspection the group returned to be met by the applicants highly paid solicitor, the councillors spoke to him for approximately a further fifteen minutes but when we approached the councillors we were told we were not **allowed** to talk to them, they then proceeded to get in their cars and they drove away. You judge for yourself if I am being cynical.

Further to that, at the hearing in Kings Lynn there were irregularities which council officials, after watching the proceedings on YouTube, agreed should not have happened. Hockwold Parish Council did write to Kings Lynn Council a letter of complaint regarding the Hearing.

When I say I am probably wasting my time writing this “facts are facts” and cannot be ignored check them out if you do not believe me.

From experience I am aware that decisions are made, in the green room, before many cases are heard but the democratic right of the Council Tax payers and their welfare should be considered and taken into account before that of a money generating scheme.

I can only ask that the Councillors take all of the points that I have made with an open mind

I must apologise if I have been too blunt, but as a long standing Council Tax payer I feel this application is inappropriate for the site that has been proposed.

Yours in anticipation,

[Redacted]

Sent: 07 March 2022 07:41

To: Marie Malt <Marie.malt@west-norfolk.gov.uk>

Subject: Re: The 100 Acres, Cowles Drove Premises Licence Application

Dear Marie

Please find below response to the above application, I have re submitted my original response as the concerns remain unchanged.

Regards

[Redacted]

To whom it may concern,

I am writing to voice my objection to the above application.

A similar event was held in 2021 and caused significant problems for myself and other residents of Sedge Fen.

The remote nature of the event at 100 acres, Cowles drove led a large number of people to be lost, or attempt to park in the village and wander around looking for the festival. This led to a number of people trespassing onto my property and the property of others at all times of the day and night which is an obvious security issue. Additionally it is a safety issue with two level crossings and a large number of ditches / water ways in the village that someone unfamiliar with the land could fall into if wandering around at night.

The noise from last years event was also very significant with the music being loud enough to be heard inside our house at Decoy Farm with the windows closed. This led to lack of sleep due to the volume and 24 hour nature of the event. This is an obvious nuisance but also a safety issue as myself, my wife and my daughter all drive to work and need to sleep properly in order to be able to safely drive to work in the mornings. An event such as this lasting all weekend and into the early hours of Monday morning has a very significant effect on our family.

Lastly, we have livestock on our property which are constantly disturbed by the 24 hour noise and by people wandering onto our property.

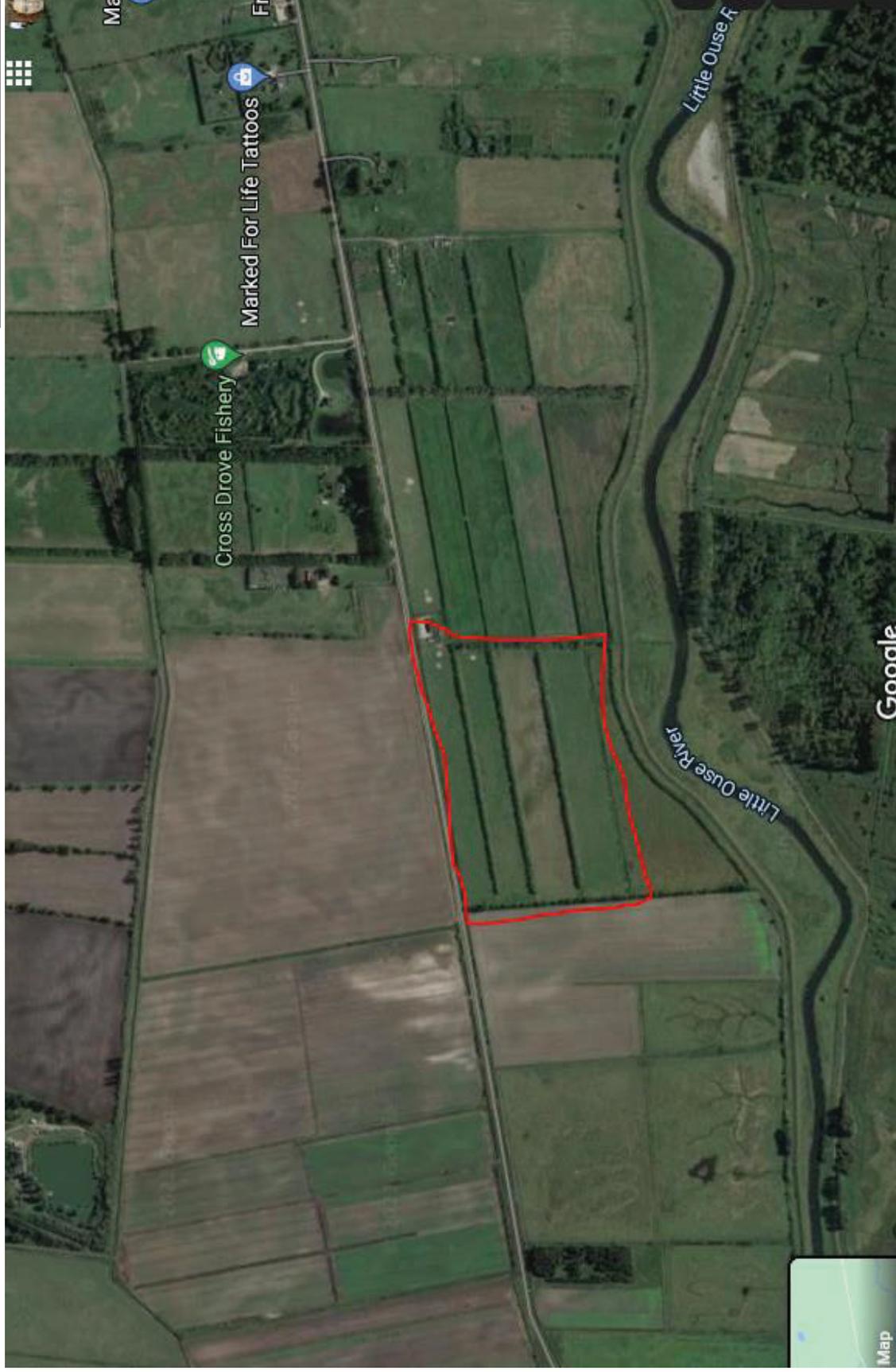
I believe that it assumed that the relatively remote area in which these events are held mean that they cause no disturbance but this could not be further from the truth as they cause significant problems for the residents of Sedge Fen.

Kind Regards,

[Redacted]

Sent from my iPhone

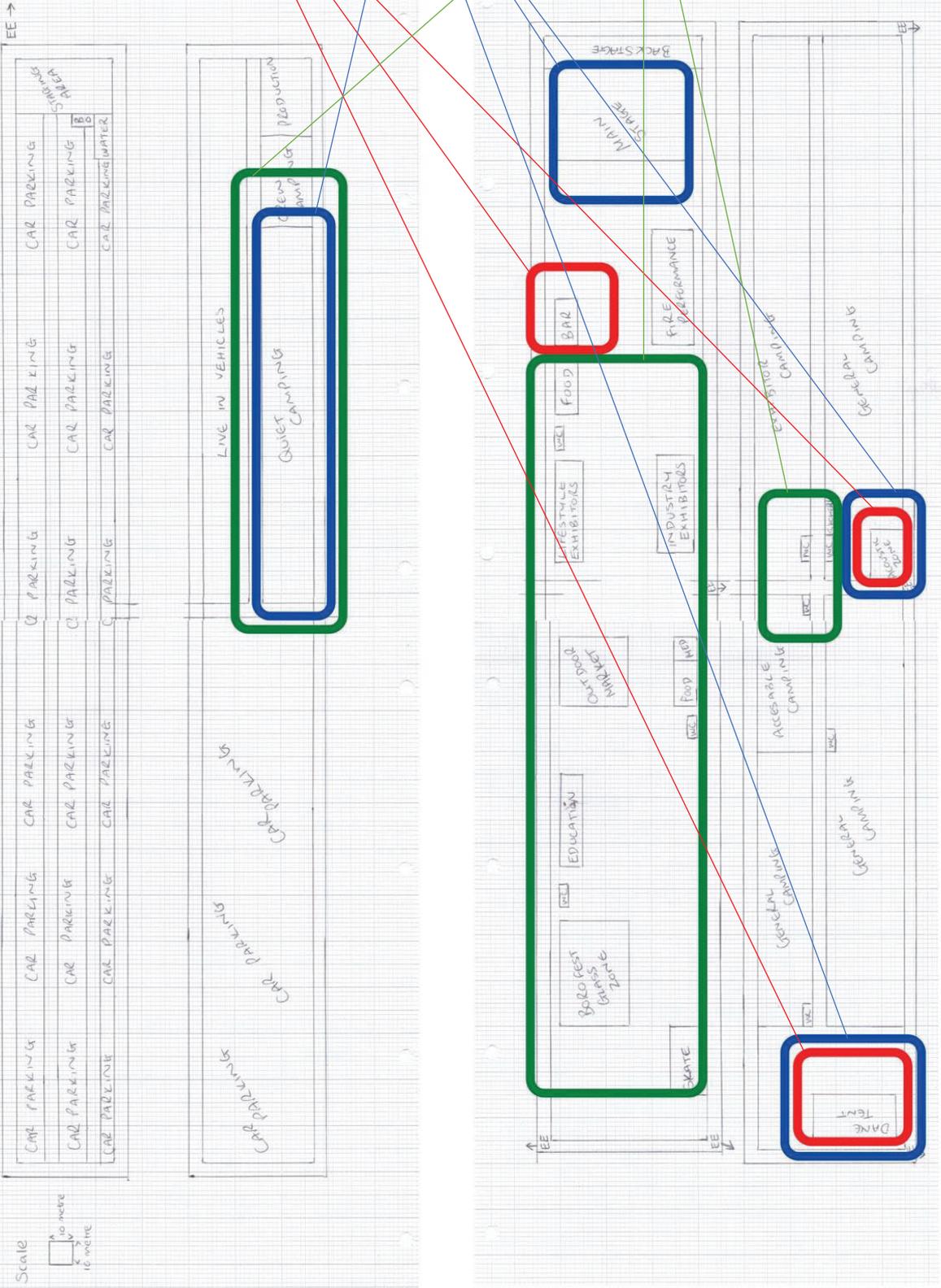
The 100 Acres, Cowles Drove, Hockwold Cum Wilton, Thetford, IP26 4JQ



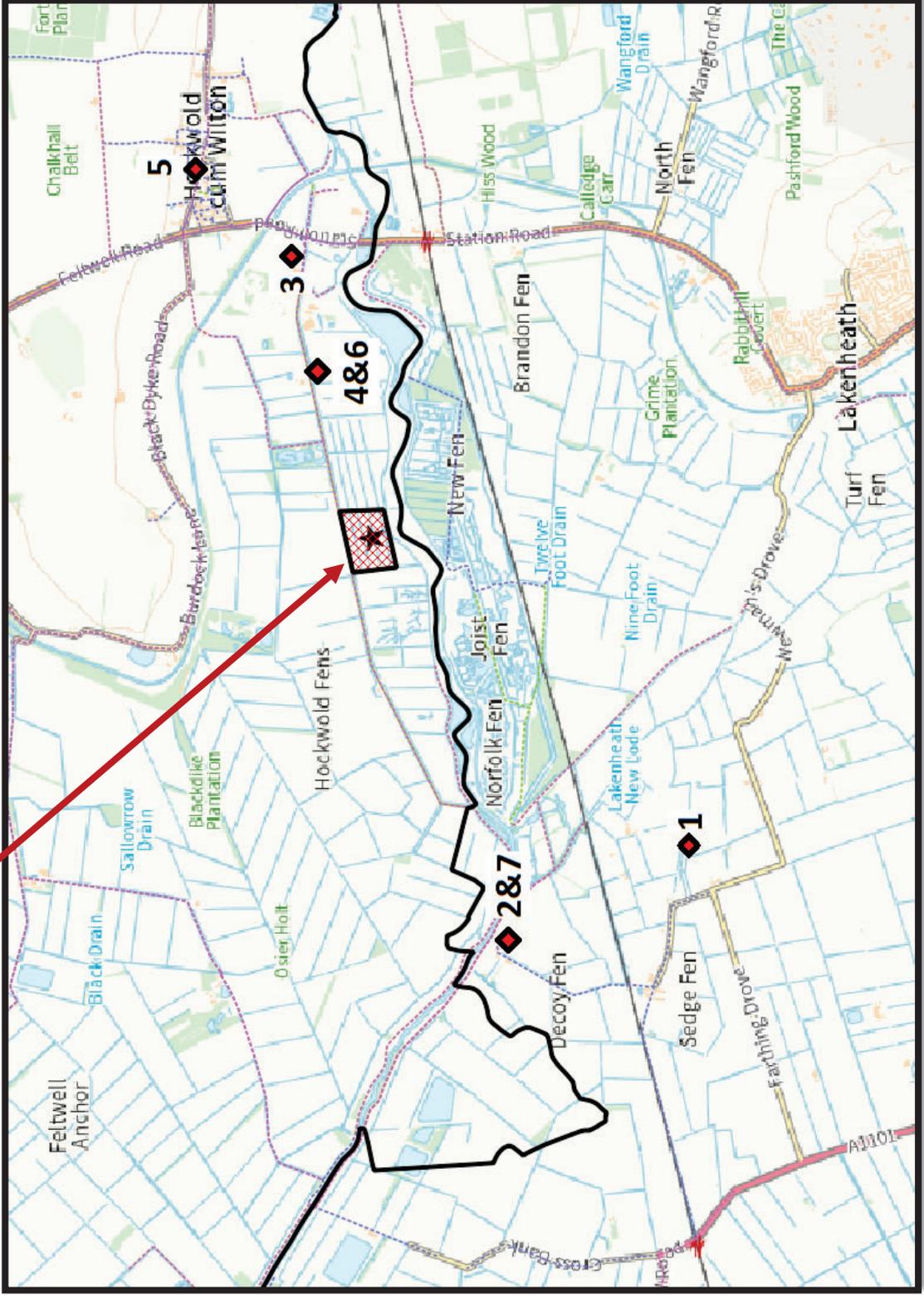
The 100 Acres Cowles Drive, Hockwold Cum Wilton, IP26 4JQ

^ Cowles Drive runs along here ^

Scale
 10 meters
 20 meters
 40 meters



100 Acres, Cowles Drove, Hockwold Cum Wilton, IP26 4JQ



1	2	3	4	5	6	7
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