

LICENSING SUB-COMMITTEE

DETERMINATION NOTICE

Date of Hearing	30th March 2022
Sub-Committee Members	Councillors Nockolds (Chair), Chris Crofts and Colin Manning
Legal Adviser	Jo Furner
Licensing Officer	Marie Malt – Senior Licensing Officer
Democratic Services Officer	Rebecca Parker
Applicant's Name	Urban Hydro Limited - Rachel White
Other Persons:	Mrs Randall Mrs Williams Mr and Mrs Pountney
Responsible Authorities	Chris Brooks – Norfolk Constabulary
Premises Address	The 100 Acres, Cowles Drove, Hockwold Cum Wilton
Application	Application for a Premises Licence

APPLICATION

Kings Lynn and West Norfolk Borough Council, being the relevant licensing authority, received an application for a Premises Licence the 100 Acres, Cowles Drove, Hockwold Cum Wilton.

During the 28 day representation period, the Council received 7 representations from other persons to consider.

Norfolk Constabulary had also submitted a letter of representation in relation to the application.

HEARING

On 30th March 2022, a hearing was held to consider the application for the premises licence. The Sub-Committee determined the application with a view to promoting the four licensing objectives. It considered the application on its own merits. In reaching its determination, the Sub-Committee had regard to the following matters:

- The relevant parts of the written and oral evidence before them;
- The Kings Lynn and West Norfolk Borough Council Licensing Policy;
- Statutory Guidance issued under the Licensing Act 2003

The Sub-Committee listened to all the evidence and submissions. It heard from:

- The Licensing Officer
- Applicant
- Responsible Authorities
- Other persons, including a representative of the Parish Council and three local residents.

SUMMARY OF EVIDENCE

The Licensing Officer presented her report and outlined the application which had been submitted. A copy of the application was attached to the report. She directed the Sub Committee specifically to the

mandatory conditions that would be applied, and the various other conditions that had been included in the operating schedule or had been reached by agreement with the various statutory consultees.

The Applicant presented their case and responded to questions from all parties. The Applicant's representative confirmed that the application was to cover the single event in September. She emphasised that the event of the previous year had been a success; with no violence, no one requiring medical attention and no complaints at the time from the various responsible authorities.

She tackled the objections raised by the police as part of her address, confirming the following:

- She was aware that there were a number of people at the event with legal prescriptions for cannabis. She suggested a register of those attending who have a legal prescription to enable their security and the police to differentiate between legal and illegal use.
- She wasn't aware of the DJ smoking what looked to be a giant 'spliff' until after the event. She stated she does not know whether it was real or was an entertainment prop, but either way, she agreed this was not appropriate behaviour, and that she would be communicating to all performers and product demonstrators/promoters that they are not to promote any illegal activity, making it a condition of their contract.
- With regards to the hydroponic technology that is being promoted, she advised whilst this was associated with cannabis production, it is increasingly used in food and other plant production.
- The low numbers of security staff last year arose due to staff shortages due to covid, and so they focused on the physical aspect of security rather than searching.

She also advised she had liaised with the police and had agreed to the imposition of three additional conditions to address their concerns regarding drug use and promotion at the event.

Issues over noise were discussed and the Applicant's Representative reiterated that amplified music would cease at 11pm and that the Applicant is reviewing speaker orientation and wind direction to mitigate noise nuisance.

During questioning, discussions ensued with the police regarding numbers of SIA registered staff at the event and how many would be dedicated to searching. The applicant's representative did indicate they would be prepared to agree to specific numbers but requested that numbers be agreed in the Event Management Plan (EMP) rather specific numbers being conditioned so that they could be reflective of actual ticket sales rather than the maximum numbers permitted at the event. The police representative wasn't able to provide a ratio and was hesitant to require specific numbers, although did advise that another similar type of event with 1600 attendees had 6 SIA staff dedicated to searching. The Applicant's representative also indicated they were investigating whether the security companies they were approaching could provide search dogs.

Other questions were asked of the Applicant's representative regarding ability of vendors to replenish stocks, access for emergency vehicles, food safety checks, with the Applicant's representative confirming there were processes in place for these to be undertaken.

Queries were raised about the provision of a shuttle bus from the nearby train station, which the Applicant's representative advised that it would be advertised once the provision was in place but at the time of the hearing a provider had not been secured. The Applicant's representative addressed concerns by residents about keeping them informed by offering an information pack, including contact details etc.

Norfolk Constabulary, presented their case and responded to questions from all parties.

They reiterated the concerns set out in their letter of objection regarding drug use, but were content that they had already addressed their concerns during questions to the applicant in their presentation. The

emphasised that the impression to the general public was important and that the police would not tolerate drug use at any festival.

The Police Representative outlined the general position of Norfolk Constabulary, namely that they object to the grant of the licence but in the event that the Sub Committee were minded to grant the licence, then they required three additional conditions, which the Applicant was agreement with, namely:

- 1) Drug amnesty bins will be prominently displayed at both the main entrance to the site and at all entrances from the camping area to the main arena
- 2) Searching is a condition of entry to the festival site and random searches will be carried out by SIA accredited staff on entry to the site and throughout the event
- 3) Prominent signage to be displayed reminding patrons that drug misuse will not be tolerated and that they can be searched and removed from site at any time.

The Police Representative went further to say that condition 3 should be included on their website and social media pages.

The Police confirmed that there would likely be a police presence at future events, but drug searches would be undertaken by SIA staff rather than the police.

The Police Representative advised that traffic concerns had been explored that they were content that there wasn't an issue.

The Other Persons present presented their case and responded to questions from all parties, including a representative the Parish Council, and residents.

The Parish Council were concerned about a number of issues, including the use of the Cowles Drove and its fitness for purpose. Emphasis was made that it was a BOAT, and whilst vehicular use was permitted it's intended for vehicle use for 8000 people. They were concerned about the wear and tear/damage to the Cowles Drove and what provisions were in place. The Applicant's Representative did confirm that it was an agreed condition that the road would be in a safe condition prior to the event, and would make good the road after the event.

The Parish Council representative raised concerns about noise travelling across the fens, the anticipated direction of the stage and how any disturbance will be handled. Concerns were also raised about the growth of the festival over time.

Mrs Williams reiterated some of the concerns in her letter of objection, namely the rubbish she found in her fields, people using her driveway to turn around throughout the night and the resulting alerts from her CCTV disturbing her, and that Cowles Drove simply wasn't suitable for the level of traffic that arose from the festival last year.

Mrs Pountney addressed the committee, and raised similar issues to the Parish Council regarding the classification of Cowles Drove as a 'BOAT' and that highways and confirmed to her their responsibility was to maintain it as a walkway/bridleway. She also raised concerns that cyclists and horse riders use this road and the need to protect non-vehicular routes.

Mr Pountney reiterated his concerns about the noise and how on the fens it would travel uninterrupted in all directions and would impinge on any person who could hear it that the stress on the residents affected their human rights.

The licensing officer, police representative and Applicant's representative all summed up. The other interested parties, whilst given the opportunity, opted out.

FINDINGS AND DETERMINATION

After careful consideration of the written and oral evidence of the parties, the Sub Committee determined that they would grant the application subject to the mandatory conditions and the conditions in the operating schedule. In addition to this, it imposes the additional conditions agreed between the police and the Applicant, and amended as follows:

- Drug amnesty bins will be prominently displayed at both the main entrance to the site and at all entrances from the camping area to the main arena
- Searching is a condition of entry to the festival site and random searches will be carried out by SIA accredited staff on entry to the site and throughout the event, such numbers to be agreed with Norfolk Constabulary prior to each annual event
- Prominent signage/message to be displayed both on site and on their website and social media sites, reminding patrons that drug misuse will not be tolerated and that they can be searched and removed from site at any time.

In addition to these, the Sub Committee consider it appropriate to impose the following further conditions:

- The Applicant shall keep a register of all users of legally prescribed cannabis present on the site, and shall make this available to Norfolk Constabulary upon request.
- The Applicant shall ensure that there shall be no promotion of illegal activity, either in its marketing and advertising of the event, or at the event itself.
- The Applicant shall make such arrangements as are necessary to prevent access to properties off Cowles Drove by patrons of the event.

In reaching this decision the Sub Committee were persuaded by the representations and supporting documents provided by the Applicant, that the event would be well managed. They were pleased with the liaison that had clearly taken place between the various responsible authorities, including Norfolk Fire and Rescue, the Borough Council of King's Lynn and West Norfolk Health and Safety Advisor, and the Neighbourhood and Nuisance team which and the resultant conditions which meant they did not make any objections to the premises licence sought. They noted that the Applicant had also worked with the Police and were willing to agree to the conditions sought by Norfolk Constabulary, and were willing to be bound by other conditions. It was also clear from the conditions offered in their operating schedule that they had taken on board some of the concerns of the local residents, for example they shall take measures to control the dust, provide barriers and lighting, and had agreed to restrict the playing of amplified music to no later than 11pm. It is hoped that this, and their undertaking to orientate the speakers in such a manner that will minimise noise nuisance, will be sufficient to overcome the very real concerns of the local residents, particularly those who last year were directly affected by noise, by rubbish, or because their property was encroached upon by turning vehicles, or due to damage to the road that is not maintained to a standard to withstand heavy vehicular use.

The Sub Committee, like the police, will not condone illegal drug use at the event and agree that public perception is important. It is for this reason that it has included the additional condition ensuring that there is no promotion of illegal activity at the event itself, over and above the conditions offered by the police.

With regards to the general concerns over road safety, the Committee is bound to give more weight to the police, being the responsible body for road safety. They were, however, pleased to hear that the Applicant was endeavouring to procure a shuttle bus service from the local train station to the event location in an attempt to reduce the amount of traffic attending the event.

Moreover, despite some reservations about granting the premise licence on a rolling basis, the Sub Committee were satisfied that, in addition to other statutory enforcement measures available to the various responsible bodies, there is the statutory review procedure that allows for any responsible authorities or other persons affected to request a review of the premise license where it appears that the licensing objectives are being undermined. The Sub Committee encourages any person affected to rely on that and other enforcement procedures should there be a need to.

RIGHT OF APPEAL

There is a right of appeal against this decision to the Magistrates' Court. An appeal must be commenced within 21 days beginning with the day on which you receive notification of the decision. You may wish to seek independent legal advice from a solicitor or the Citizens Advice Bureau regarding this.

Signed.....Councillor E Nockolds.....

Date: 31st March 2022

Councillor Elizabeth Nockolds (Chair of the Licensing Committee)