

LICENSING SUB COMMITTEE

30 October 2017
10.00 am - 12.35 pm

Present: Councillors Benstead, Bird and T. Moore

Officers

Licensing Enforcement Officer: Alexander Nix

Licensing Enforcement Officer on behalf of Environmental Health: Luke Catchpole

Legal Advisor: Paul Weller

Committee Manager: Emily Watts

Present for the Applicant

Applicant: Mr Sudhir Agar

FOR THE INFORMATION OF THE COUNCIL

17/20/Lic Appointment of a Chair

Councillor Bird was appointed as Chair for the meeting.

17/21/Lic Declarations of Interest

No declarations of interest were made.

17/22/Lic Meeting Procedure

All parties noted the procedure.

17/23/Lic Temporary Events Notice Hearing

The Licensing Officer presented the report and outlined the Temporary Events Notice (TEN) application.

With the permission of the Chair the Applicant circulated a document at the beginning of the meeting. The Chair allowed 10 minutes for the document to be considered by Members and Officers.

Applicant

Mr Agar made the following points:

- i. Queried why the Environmental Health team called the Fire and Rescue Officer to carry out an inspection on the Friday just passed but did not notify him (the Applicant) of the meeting. He was only informed when the fire report was produced later that day.
- ii. Highlighted that Giles Granger from the Cambridge Fire and Rescue Service had attended the site 3 weeks prior and had been content with the site under the revised plan. Swapping the layout had removed the initial fire safety concerns.
- iii. Giles Granger had not yet had the opportunity to see the additional fire report conducted on 27 October. The Applicant therefore requested that either-
 1. The licence would be granted with a condition stating that the Fire and Rescue Service had to approve the new revised plans.
 2. The committee was adjourned until 6 November to allow Giles Granger time to see the report.
- iv. Highlighted that Fire and Rescue could not make formal objections to a TEN application, only objections from Environmental Health were considered.
- v. Asked why Environmental Health objected to the event being held on Saturday and not on the Sunday given that the plans were the same for both days.
- vi. Stated that he had decided to take over this event from his friend who had been holding it successfully for the past 10 years.
- vii. Affirmed that he had 40 years' experience of holding successful public events.

The Legal Advisor responded:

- i. Confirmed that putting a condition on the licence was not permitted under statute, a TEN only allowed Members to approve or reject the application.
- ii. The Fire and Rescue Service did not appear on the list of persons able to object to TEN's because they had their own legislation. However, their objection could be considered by the committee.
- iii. The Police had withdrawn their objection.
- iv. Highlighted that the committee could adjourn the meeting which would give the committee time to consider the application further.

Councillor Benstead asked whether the Applicant and Licensing Enforcement Officer on behalf of Environmental Health had had an opportunity to discuss the Fire and Rescue Service objections prior to this meeting. Suggested that if they had not then an adjournment may be worthwhile.

The Licensing Enforcement Officer on behalf of Environmental Health referred to the fourth paragraph on page 25 of the agenda. Highlighted that the main concern for Environment Health was the lack of emergency access to the site should the main entrance become obstructed. He affirmed that the revised plan did nothing to alleviate this issue. He outlined that the metal gate under the railway bridge could be unlocked and used as emergency access. Although this option still raised concern a solution might be sought if the access issue could be addressed.

After discussion the Committee decided not to adjourn proceedings.

Member Questions

In response to Members' questions, Mr Agar made the following statements:

- i. Confirmed that although his friend had held this event for the past 10 years, it had never been in this location.
- ii. Affirmed that this event was separate to Winter Fair, clear signs at the entrance would indicate this. The opening hours to this event would be longer and entrants would also be charged £1 fee at the gate.
- iii. Two stewards with keys would staff the metal emergency exit gate at all times.
- iv. Confirmed that he was not aware of any special permission needed from Network Rail to use the emergency exit. He had no evidence that Network Rail would need to use this exit from their side in case of an emergency.
- v. The emergency exit had disabled access; a flat footpath ran to the side of the stairwell and away from the site.
- vi. Outlined that the number of attendees could be reduced from 499 to 300 if Members were concerned about safety. Asked if this could be added as a condition to the application?
- vii. Referred to the second gate at the top of the emergency access stairs and confirmed that he did not know who held the key to it.
- viii. Walkie Talkies would be given to staff so that they could speak to the control room with ease in an emergency.

The Legal Advisor clarified that no conditions could be added to a TEN application.

The Licensing Enforcement Officer on behalf of Environmental Health highlighted:

- i. The objection was in place for both Saturday and Sunday but an email to the Applicant mistakenly suggested that the objection was limited to one day only.
- ii. Stated that the emergency access gate did not lead to a safe place in the event of an emergency.
- iii. If the gate was unlocked at all times with a steward tending, and the top gate was also unlocked with a safe place for the public to leave then the objection could be removed.

Members withdrew at 11:10 am and returned at 12:15 pm. Whilst retired, and having made their decision, Members received legal advice on the wording of the decision.

Decision

The Sub Committee resolved to reject the application for a Temporary Event Notice.

Reasons for reaching the decision were as follows:

- i. Public safety, as a Licence Objective, would not be fully addressed.
- ii. The lack of a suitable Emergency Exit, would not allow patrons safely to evacuate the site in the event of the Mill Road exit being either blocked or restricted. This would place patrons at risk.
- iii. The proposed Emergency Exit would result in evacuated patrons entering an area of danger, being alongside unfenced railway track.
- iv. There was no provision for the safe evacuation of disabled persons or any other vulnerable persons.

The meeting ended at 12.35 pm

CHAIR