

**TITLE: APPLICATION FOR THE GRANT OF FULL PREMISES LICENCE VARIATION - LICENSING ACT 2003**

**COMMITTEE: LICENSING (STATUTORY) SUB-COMMITTEE**

**DATE: 15 NOVEMBER 2022**

**AUTHOR: STEWART BROOME, SENIOR LICENSING OFFICER**

[X105]

1.0 PURPOSE/SUMMARY OF REPORT

1.1 To determine an application for the grant of a full premises licence variation in respect of Anglesey Abbey and Lode Mill, Quy Road, Lode, Cambridgeshire CB25 9EJ.

2.0 RECOMMENDATION(S)

2.1 That Members consider the content of this report and all of the evidence provided during the hearing, and determine the application in accordance with the options contained in paragraph 4.2 of this report.

3.0 BACKGROUND/OPTIONS

3.1 Premises History

The property is a venue of national historic value, dating from around 1600 and built on the site of a 12<sup>th</sup> century Augustinian priory, run by The National Trust (Enterprises) Ltd. The property now known as Anglesey Abbey and Lode Mill comprises the main house and ancillary buildings, with gardens and other open land.

3.2 The premise has held a premises licence since 17 November 2005, when it was transferred under the grandfather rights provision of the Licensing Act 2003. A copy of the existing premises licence can be found at **Appendix 1** to this report.

3.3 The current licensable activities and timings are shown in table 1 below:

*Table 1*

Licensable Activity	Proposed Hours
Opening Hours	00:00 to 00:00 Monday to Sunday
Sale by Retail of Alcohol for consumption on and off the premises	09:00 to 00:00 Monday to Sunday
Plays, Live Music, Recorded Music, Performance of Dance (indoors & outdoors)	09:00 to 01:00 Christmas Eve & New Year's Eve

Late Night Refreshment (indoors & outdoors)	23:00 to 00:00 Monday to Sunday
	23:00 to 01:00 Christmas Eve & New Year's Eve

Details of the variation application

3.4 On 20<sup>th</sup> September 2022, The National Trust (Enterprises) Ltd applied for a Full Premises Licence Variation under section 17 of the Licensing Act 2003 for Anglesey Abbey and Lode Mill, Quy Road, Lode, Cambridgeshire, CB25 9EJ. This application form can be found at **Appendix 2** to this report. The application was served on the responsible authorities and advertised in accordance with the regulations of the Licensing Act 2003.

3.5 The application proposes to:

- amend the licensing site plan to include an area of the site known as “The Orchard”.
- to add performance of films and any activities similar to live music, recorded music and the performance of dance to the licence.
- to restrict the Orchard area to only permit the performance of films, live music, recorded music and on and off sales of alcohol, and only between 13:00hrs to 21:30hrs.
- all other hours to remain the same as currently licensed.

3.6 The proposed licensable activities and timings are shown in table 2 below:

*Table 2*

Licensable Activity	Proposed Hours
Sale by Retail of Alcohol for consumption on and off the premises	House + Gardens (excl. Orchard) 09:00 to 00:00 Monday to Sunday
Plays, Films, Live Music, Recorded Music, Performance of Dance, activities similar to live music, recorded music, and performance of dance (indoors & outdoors)	House + Gardens (excl. Orchard) 09:00 to 01:00 Christmas Eve & New Year's Eve
Sale by Retail of Alcohol for consumption on and off the premises  Films, Live Music, Recorded Music, (indoors & outdoors)	The Orchard 13:00 to 21:30 Monday to Sunday
Late Night Refreshment (indoors & outdoors)	House + Gardens (excl. Orchard) 23:00 to 00:00 Monday to Sunday
	House + Gardens (excl. Orchard) 23:00 to 01:00 Christmas Eve & New Year's Eve

Opening Hours for whole site	00:00 to 00:00 Monday to Sunday
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- 3.7 During the consultation period it was noted that there was a slight anomaly on the premises plans submitted by the applicant. This was rectified by the applicant and all parties were notified. As it was considered minor and non-consequential to the process, and it was rectified by the applicant within the statutory consultation period, the application was allowed to continue
- 3.8 The proposed plans for the premises variation can be found at **Appendix 3** to this report. The licensable activity area will be within the red line including the Orchard area shown in green.
- 3.9 With the exception of the condition offered to limit the activities and times within the Orchard area, the applicant has not offered any additional Operating Schedule Conditions with regard to their variation proposals. If the variation were to be granted, the whole site would be subject to those conditions already included on the existing premises licence. The existing Operating Schedule Conditions can be found in **Appendix 1** to this report.

#### Relevant Representations

- 3.10 No representations were received from the Licensing Act 2003 statutory Responsible Authorities during the statutory consultation period.
- 3.11 A total of 8 valid representations were received from other persons permitted by the Licensing Act 2003 to submit representations. These can be found at **Appendix 4** to this report.
- 3.12 The representations all relate to the inclusion of The Orchard on the premises licence and the potential for its continued use during the year as a licensable area; concerns regarding noise and light pollution; smells from food trailers and general disturbance to local residents living in Mill Road, Lode, which is in the close vicinity of The Orchard site.
- 3.13 At the time of writing this report, no agreement has been reached between the applicant and all of the objectors, although Officers are aware the National Trust will be hold a meeting with local residents on Wednesday 2 November 2022 to discuss their application with them in more detail.

#### Other points of note

- 3.14 The Orchard has previously been authorised to undertake licensable activities by means of Temporary Event Notices (TENs), most notably for their Winter Lights event. A single TEN cannot exceed a maximum of 168 consecutive hours duration, and at this time, the premises cannot hold more than 20 TENs for a total of 26 cumulative days per calendar year. Tens cost £21 each, and must be applied for in advance of the event. For events where it is not possible to comply with the above restrictions, a premises licence would be required to be in force.

- 3.15 The existence of planning permission is not a matter for licensing to be concerned with when determining an application.
- 3.16 The allowances afforded by the deregulation of certain activities on alcohol licensed premises would be permitted on this premises, see **Appendix 5**.

#### 4.0 CONCLUSIONS/DETERMINATION OF APPLICATION

- 4.1 Members are obliged to determine this application with a view to promoting the licensing objectives which are:
  - The prevention of crime and disorder
  - The prevention of public nuisance
  - Public safety
  - The protection of children from harm

In making their decision Members are also obliged to have regard to the Statutory Guidance issued under Section 182 of the Licensing Act 2003 and the Council’s Statement of Licensing Policy. Should Members depart from either they must specify their reasons for doing so. Members must also take into account the information contained within this report, and the evidence submitted, both written (if submission of such information is agreed by all parties at the hearing) and orally during the hearing.

#### 4.2 Relevant Statutory Guidance considerations (**Appendix 5**):

The Licensing Objectives	Section 2 pages 6 to 12
Applications for Premises Licences	Section 8 pages 49 to 62
Determining applications	Section 9 pages 68 to 76
Conditions attached to Premises Licences	Section 10 page 77 to 88
Deregulation of certain entertainment	Section 16 page 123 to 140

#### 4.3 Relevant Local Policy considerations (**Appendix 6**):

Representations	Section 1.51 to 1.55
Conditions	Section 1.56 to 1.64
Licensing Objectives	Section 3
Prevention of Crime and Disorder	Section 4
Public Safety	Section 5
Prevention of Public Nuisance	Section 6
Protection of Children from Harm	Section 7

#### 4.4 Members can determine the premises licence variation application as follows:

- a) to grant the variation
- b) to reject the whole or part of the application
- c) to modify the conditions of the licence\*

\* and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

- 4.5 Members are asked to note that they may not modify or impose new conditions, or reject the whole or part of the application merely because they consider it desirable to do so. It must actually be **appropriate** to do so in order to promote the licensing objectives, and any such step must relate to the actual representations made. Conditions attached must be focused on matters which are within the control of applicant, i.e. the premises and its vicinity.

No conditions may be added that restrict the permissions already permitted by the existing licence and not forming part of the variation application.

Regulation 19(a) requires authorities to disregard any information given by a party or person that is “not relevant” to their application or representation, and is not relevant to the licensing objectives.

- 4.6 In determining the premises licence application, Members must provide the reasons for their decisions, and consider their responsibilities under the Human Rights Act 1998, when balancing the rights of the applicant and the rights on those who may be affected.
- 4.7 Any decision taken must be **appropriate and proportionate** to the objective being pursued. In particular the following should be taken into consideration:

Article 6 – the right to a fair hearing

Article 8 – respect for private and family life

Article 1, First protocol – peaceful enjoyment of possessions (which can include the possession of a licence)

Article 14 – the right to freedom from discrimination.

## 5.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

- 5.1 The cost of convening a Licensing (Statutory) Sub-Committee to determine an application is covered by the fees paid by licence applicants.
- 5.2 Should there be a decision to refuse whole or part of the application or modify the conditions of the licence, the applicant can appeal to the Magistrates’ Court. There will be costs associated with this process. The right of appeal is 21 days from the date of notification of the decision.
- 5.3 Any party who made relevant representations in relation to the application may appeal the decision. There will be costs associated with this process. The right of appeal is 21 days from the date of notification of the decision.
- 5.4 Equality Impact Assessment (EIA) is not required, as this does not relate to a service provided by the Council or a decision on a change of policy, but an application for a licence by an individual/ organisation.

## 6.0 APPENDICES

- 6.1 Appendix 1 – Existing Licence

- Appendix 2 – Application Form
- Appendix 3 – Plans
- Appendix 4 – Objections – Other Persons
- Appendix 5 – S182 Statutory Guidance extracts
- Appendix 6 – Local Policy extracts

<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer</u></b>
Licensing Act 2003	Room SF208 The Grange Ely	Stewart Broome Senior Licensing Officer  01353 616477  Stewart.broome@eastcambs.gov.uk
Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003, April 2018		
ECDC Statement of Licensing Policy 2021		