



Minutes of a meeting of the Licensing (Statutory) Sub-Committee held in the Council Chamber at The Grange, Nutholt Lane, Ely on Tuesday 15 November 2022 at 11.09am.

PRESENT

Cllr Lavinia Edwards
Cllr Alan Sharp (Chairman)
Cllr Gareth Wilson (Substitute for Cllr Alec Jones)

OFFICERS

Stewart Broome – Senior Licensing Officer
Maggie Camp – Director Legal Services & Monitoring Officer
(Legal Adviser)
Angela Tyrrell – Senior Legal Assistant
Adeel Younis - Legal Assistant
Lin Bagwell – Licensing Officer
Caroline Evans– Senior Democratic Services Officer
Hannah Walker – Trainee Democratic Services Officer

IN ATTENDANCE

Martin Beaver (General Manager, Anglesey Abbey)
Karen Cochrane (Applicant's Agent)
Sarah Freed (Objector)
Sharone Freed (Objector)
Christopher Hammond (Objector)
Martyn Lord (Objector)
Peter Marsden (Designated Premises Supervisor, Anglesey Abbey)
James Rowland (Project Manager, Anglesey Abbey)

Cllr Sharp welcomed members of the public and press attending in-person and those watching on the livestream. Participating Officers and Members, were all introduced and the Chairman explained the procedure that would be followed, with reference to the Hearings Procedure that was included in the agenda papers. He highlighted that the legislation allowed for up to 5 days for the Sub-Committee to communicate their decision.

1. APOLOGIES FOR ABSENCE

Members were informed of a change to the Liberal Democrat Group's Substitute Members for the Committee, with Cllr Gareth Wilson replacing Cllr John Trapp.

Apologies were received from Cllr Alec Jones, and Cllr Gareth Wilson was present as a Substitute.

2. DECLARATIONS OF INTEREST

Cllr Gareth Wilson declared a personal interest as a member of the National Trust.

**3. DETERMINATION OF AN APPLICATION FOR THE GRANT OF FULL PREMISES LICENCE VARIATION – LICENSING ACT 2003
ANGLESEY ABBEY AND LODE MILL, QUY ROAD, LODE, CB25 9EJ**

Senior Licensing Officer's Report

The Sub-Committee considered report, X105 (previously circulated) regarding an application for the grant of a full premises licence variation in respect of Anglesey Abbey and Lode Mill, Quy, Lode, Cambridgeshire, CB25 9EJ. The Senior Licensing Officer read aloud the written report for the benefit of the livestream. He detailed the premises history and highlighted that there was currently, in effect, no restriction on the hours of the existing premises licence granted in 2005. That licence did not include an area of the site known as The Orchard which was the subject of the variation application. The Orchard had previously been authorised for licensable activities such as the Winter Lights event using Temporary Events Notices (TENs). Details of the proposed variation were provided and the Officer emphasised that the existing conditions of the premises licence would be unchanged and would all apply to The Orchard should the variation be granted. During the statutory consultation period eight valid representations had been received objecting to the inclusion of The Orchard on the premises licence. No Responsible Authorities had submitted representations. Since the publication of the agenda papers, a meeting had taken place between the National Trust and local residents but no agreement had been reached. The National Trust had subsequently submitted a "questions and answers" document and a proposed additional condition (below), to apply only to The Orchard, both of which had been circulated to all parties. Of the eight objectors, two had considered the condition to address their concerns, one had not responded, and the remaining five continued to object to the application.

Licensable activities permitted by the licence, including the sale by retail of alcohol for consumption on and off the premises, will only be authorised by this premises licence in the area known as the Orchard for a maximum of 19 "event days" occurring between 1st October and the last day of February annually.

In utilising these 19 "event days", the licence holder shall hold no more than 14 consecutive "event days", and there shall be a minimum gap of 48 hours between the ending of one promoted event utilising "event days", and the commencing of another promoted event utilising "event days". All licensable activities on "event days" will commence no earlier than 13:00hrs and finish at 21.30hrs. For

the avoidance of doubt the sale by retail of alcohol and all other licensable activities will not be authorised in the Orchard area of the premises licence shown in green on the attached plan outside of these "event days".

Members were reminded of the need to determine the application with a view to promoting the four licensing objectives, and of all the elements they were required to consider when making their decision. The applicant or any party who had made relevant representations in relation to the application could appeal the Sub-Committee's decision at the Magistrate's Court; the right of appeal was 21 days from the date of notification of the decision and there would be costs associated with the process.

Statement from the Applicant's Agent

The Agent, Karen Cochrane (Flint Bishop Solicitors), introduced three representatives from Anglesey Abbey who would be available should there be any questions for them: Martin Beaver (General Manager), James Rowland (Project Manager) and Peter Marsden (Food & Beverages Manager and Designated Premises Supervisor). She explained that the National Trust were seeking to vary their current licence by adding films and by extending the area covered to include The Orchard. The licence already had 28 conditions that were appropriate and proportionate and would remain in place as well as applying to The Orchard.

She stressed the necessity of using The Orchard for the Winter Lights event due to its accessibility and safety, particularly in the dark, and that the least damage to the site would occur at this location. In previous years TENs had been submitted for the event and the variation had therefore been applied for to reduce the administrative burden. Discussions had been held prior to the submission of the application and had resulted in the requested time restriction of 1:00-9:30pm for The Orchard rather than it being included within the longer permitted hours of the rest of the site. She stressed that the National Trust had no desire to hold later events in The Orchard.

No representations had been received from statutory consultees including the Police, Environmental Health and the Fire Service, which indicated that there were no concerns from the experts in the field. There were, however, concerns from residents in the vicinity of the site and the National Trust had therefore arranged a meeting with them to gain a better understanding. Following the meeting, the National Trust had written to all parties with a FAQ document and the proposal of a restriction to a maximum of 19 event days per year in The Orchard with no more than 14 consecutive days. The Winter Lights event was the major fundraising activity for Anglesey Abbey and the applicant needed to balance the fundraising requirements with the protection of the grounds and the amenity of its neighbours. A noise condition had been suggested by residents but the applicant considered that a noise management plan would be a more appropriate solution since the current licence already included a condition regarding noise. The Winter Lights event used acoustic musicians with speakers angled away from the neighbours, Safety Advisory Group (SAG) meetings were held and a "snag night" enabled experts to advise on noise and other issues. The Agent emphasised that the applicant was keen to work with other parties towards a successful resolution, and they considered that their proposed restrictions addressed the concerns that had been raised. The applicant understood that there had been some issues with past Winter Lights events but they had made appropriate amendments and taken steps to prevent their reoccurrence. She urged the Sub-Committee to approve the variation.

In response to questions from the Sub-Committee Members and their Legal Adviser, the Agent and the General Manager provided the following additional information:

- The Winter Lights event was held in the vicinity of The Orchard due to the hardstanding of the Winter Walk and because it was the area of the site that had the least historical significance. The event could not be run elsewhere on the site both for safety reasons and because of the damage it could cause to the site.

- Previous concerns that had since been rectified were:
 - Traffic / parking problems - timed tickets were now in place to remove the peaks and troughs of arrivals and departures, and a new car park had been opened in recent years.
 - The lights had been accidentally left on all night on one occasion – as detailed in the FAQ document, the National Trust would provide a mobile phone number so that any concerns or issues could be responded to instantly.
 - Noise concerns – they had started to record noise readings to ensure that the volumes were not too loud, and positioned staff appropriately to ensure the agreed volumes were maintained.
- No films would be shown in The Orchard. Open-air cinema events at other National Trust properties had been popular and Anglesey Abbey may in future explore such events elsewhere in the grounds during summer months when damage would not occur. The Senior Licensing Officer clarified that, if approved, then films could be shown anywhere within the original plans subject to the existing 28 licence conditions.
- The TENs previously used for the Winter Lights events had included the same finish time as applied for in the variation: 9:30pm.
- The site was open to the public during the day then closed and re-opened to ticket-holders for the Winter Lights at 4:45pm with approximately 60-90 minutes of set-up beforehand to stock the food and beverage stalls in The Orchard. The stalls remained *in situ* throughout all the days of the event.
- The Winter Lights was Anglesey Abbey's largest fundraiser and the application for a licence variation had been intended to provide some flexibility and to reduce the administrative burden to the National Trust and the Council by repeatedly submitting TENs applications.
- A noise management plan had not yet been drafted but the Agent had experience in the area and could tailor a plan to the premises following consultation with relevant experts such as Environmental Health.
- Should the licence variation be granted, the neighbours would not see any substantial difference compared to the previous TENs for the Winter Lights events. The 2022 Winter Lights would run for 13 public nights and one community night, rather than the 12 nights of previous years. Although the variation would permit some flexibility, the proposed condition would restrict the use of The Orchard to 19 event days and the National Trust were not intending to offer new activities in The Orchard.
- It had been clear to the General Manager at the 2nd November meeting (to which approximately 80 households had been invited and approximately 20 had attended) that consultation with the village needed improvement, and he had committed to addressing that. Anglesey Abbey was constantly trying to raise funds to preserve and maintain the site, and balance those obligations with being a responsible neighbour.

Statements from Objectors

Chris Hammond spoke as the owner-occupier of a property directly adjoining the application site. He objected to the proposed variation on the grounds of public nuisance (noise, litter and smell) and safety (fire risk). He stated that there was ample evidence of the nuisance caused by previous Winter Lights events using TENs and the proposal to extend the use of The Orchard to 19 days was

unacceptable. Although the National Trust had stated that the use of The Orchard was pivotal to the Winter Lights event, he countered that the route passed The Orchard rather than going through it and the ground there quickly became churned up during bad weather. He suggested that the music and other attractions within The Orchard would be better positioned elsewhere on the site where there was hardstanding. He also argued that there was a history of licensable activity in other parts of the site and therefore the use of The Orchard was not fundamental to raising funds. Neighbours had attempted to negotiate, for example to rotate the stage to face away from the houses, and had also suggested that a larger and better finale could be delivered outside the Abbey, but there had been no engagement from the National Trust. He expressed disappointment that the 2022 Winter Lights event had been promoted, and tickets sold for it, with no licence in place and with a timeframe preventing proper consultation. He urged the Sub-Committee to reject the application but, if minded to approve, requested that three additional conditions should be imposed:

- i) Use of The Orchard be limited to December for a maximum of 14 nights, or the number of licensable events in the calendar year be limited to two.
- ii) Event timings in The Orchard be restricted to 1-9:30pm Fridays & Saturdays and 1-8:30pm Sundays-Thursdays to help neighbours with young families.
- iii) Strict noise limits be imposed in line with other licensees in the village.

He then read aloud a statement from John and Michelle Hopkins of 51 Mill Road who had been unable to attend the meeting. Their statement requested that Sub-Committee Members should be required to declare whether they were National Trust members and raised three issues in support of their objection to the application:

- The application did not detail how it had considered all of the icensing objectives and how it would achieve them. Residents' rights to live in peace and quiet without being subject to light pollution and unpleasant odours had been ignored and no proposals had been submitted regarding the management of potential risks.
- The applicants had not undertaken a consultation exercise prior to submitting the application. The decision to run the 2022 Winter Lights over 14 consecutive days had been made several months earlier and could not proceed without the licence being approved.
- The National Trust had been unwilling to compromise and had considered the lack of previous objections to mean that all local residents were in favour of the event, whereas in fact the use of TENs for previous years had meant that public opinion had not been sought. At the 2nd November meeting residents had suggested a compromise to move the event away from their boundary but the National Trust had refused. However, the proposed condition would still result in an extended period of disruption to The Orchard's neighbours.

The Sub-Committee were asked to consider the impact of the Winter Lights event on its immediate neighbours and to refuse the application due to noise nuisance, or to curtail it in order that residents would have respite from its impact.

There were no questions for Chris Hammond.

Martin Lord provided details of his professional experience as a structural engineer and working for various charities including those that held licences for large events.

He referenced other licence holders within the village and explained some of the measures they had taken to reduce noise impacts. Conversely, there had been issues of noise nuisance from past Winter Lights events and the screen of trees between The Orchard and the houses provided no sound barrier. He suggested that all licences within the village should be updated with more scientific criteria concerning sound levels so that nothing could be heard within the houses, and provided information regarding the technical details of a licence within another Authority.

The Senior Licensing Officer explained that some of the elements highlighted by the objector were not within the remit of Licensing, for example consideration of decibel levels would be a matter for Environmental Health. He also reminded Members that there was no absolute right to peace and quiet or to light, and that although applicants were required to state how they would promote the licensing objectives, as the application was for a variation to an existing licence with 28 conditions that would remain in place it could be assumed that those conditions satisfied the requirement. TENs had been submitted for the 2022 Winter Lights and, due to the need for a 24h gap between two 7-day periods, the National Trust had been advised of the timing changes that would be required for the event to run lawfully should the variation be refused.

When asked by a Member about the noise mitigation provided by the tree screen, the objector stated that the single row of trees made little difference but if the stage were to be rotated by 90° then it would both face into the woods and also be visible to a larger audience. Condition 24 on the current licence was subjective which was why he had proposed a more scientific alternative.

The General Manager commented that the stage had been moved away from the boundary and that all speakers were directed away from the houses.

Sarah Freed addressed the Sub-Committee on behalf of herself, her husband Sharone Freed, and Louise Foreman. She stressed their full support for Anglesey Abbey and for the running of events including the Winter Lights. However, they opposed the use of land closest to residential properties when other sites within the boundary were available to use for such events. They considered that the redefining of the event for 2022 without consulting or informing neighbours had shown a lack of consideration or respect, and applying for the variation after selling tickets for the event placed a pressure on the Council. At the meeting on 2nd November the main collective objections had been listed and justified but the National Trust had shown no flexibility regarding the use of The Orchard. She provided personal details of the significant disruptive impact of the lights, smells, and noise of the Winter Lights, including the repetitive nature of the music due to the timed tickets, and emphasised the further negative effects that were anticipated due to the proposal for 14 consecutive nights. They were also concerned that, if approved, the National Trust would invest in infrastructure for The Orchard and then use TENs for multiple events, with the warmer months being of particular concern when residents may be outside or have open windows.

Responding to Members' questions concerning complaints about previous events, Sarah and Sharone Freed explained that they had not made any official complaints but on several occasions had asked at the visitor centre for

the music volume to be reduced. Although there had been a temporary improvement there was no monitoring of the volume and therefore performers sometimes raised it again. The background music continually playing through speakers was also a problem.

Final Statement from the Applicant

The Applicant's Agent reiterated that the National Trust was a responsible licence holder promoting the licensing objectives and that the application was for a variation to a licence that had 28 existing conditions, therefore the application did not require the level of detail expected for a new licence. TENs were in place and therefore proper process had been followed regarding the 2022 Winter Lights. The applicant liaised with the SAG and there had been no objections from the Fire Service, Police Service or Environmental Health. She stressed that the National Trust had listened to local concerns and had consequently proposed an additional condition and noise management plan; they wanted to work constructively with their neighbours.

In response to questions from the Sub-Committee Members and the Senior Licensing Officer, additional information was provided by the Agent, the General Manager and the Project Manager as follows:

- Noise limiters enabling the organisers to control the volumes of individual performers were not in place but processes had been altered in order that staff and volunteers were in touch with the event management team *via* radio, and the contractors monitored the sound levels.
- Residents would be provided with a mobile phone number so that they could get an immediate response to any issues.
- There were 2600 tickets available for each public night, with 35k visitors expected across the whole event.
- During the preparation of the Event Management Plan, SAG provided feedback on the draft version and the Council's Environmental Health Officer provided direct support as well as being involved in the "snag night". Other relevant parties were also invited to the "snag night" to see how the noise management would be provided.
- The site was open for 362 days each year and hosted approximately 400k visitors. Consequently, there was extensive in-house experience and very regular links with the emergency services and other relevant professionals.

The Chairman checked that all parties felt they had had a fair chance to state their opinions, and he reiterated that up to 5 days were allowed for the communication of the Sub-Committee's decision. He then closed the public session of the meeting at 12:45pm for the Sub-Committee Members (together with their Legal Advisor) to retire to a closed session to consider the evidence and reach a decision.



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

LICENSING ACT 2003

NOTICE OF DETERMINATION OF LICENSING SUB-COMMITTEE HEARING

DECISION NOTICE

- Date of Hearing:** Tuesday 15th November 2022
- Sub-Committee Members:** Councillor Alan Sharp (Chairman)
Councillor Gareth Wilson
Councillor Lavinia Edwards
- Officers** Caroline Evans - Senior Democratic Services Officer
Hannah Walker - Trainee Democratic Services Officer
Stewart Broome - Senior Licensing Officer
Lin Bagwell - Licensing Officer (Enforcement)
Maggie Camp - Director Legal Services & Monitoring Officer (Legal Adviser)
Angela Tyrrell - Senior Legal Assistant
Adeel Younis - Legal Assistant
- Applicant:** National Trust (Enterprises) Ltd represented by:
Ms Karen Cochrane, Flint Bishop Solicitors and Mr M Beaver, Mr J Rolland and Mr P Marsden from National Trust (Enterprises) Ltd
- Responsible Authorities:** None
- Other Persons:** Mr and Mrs Freed (Mrs Freed also representing Ms L Freeman)
Mr M Lord
Mr C Hammond (and also representing Mr J Hopkins)
- Application by:** National Trust (Enterprises) Ltd
- Premises Address:** Anglesey Abbey and Lode Mill, Quy Road, Lode, Cambridgeshire, CB25 9EJ
- Date of Application:** 20th September 2022
- Details of Application:** Application for the variation of a Premises Licence under Section 34 of the Licensing Act 2003 for Anglesey Abbey as set out below:
- 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.

This would result in a premises licence with the following activities and hours:

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

ORAL AND WRITTEN EVIDENCE PRESENTED TO THE HEARING

Written Evidence

The Sub-Committee members have read the material presented to them and listed below:

The Licensing Officer's Report - this included:

1. A copy of the Applicant's existing premises licence.
2. A copy of the Applicant's application form and proposed operating schedule, which sets out the measures to be taken to ensure the promotion of the four licensing objectives;
2. Plans submitted with the application;
3. Copies of representations from "other persons";
6. s182 Statutory Guidance and East Cambridgeshire District Council Statement of Licensing Policy - 7th January 2021

The Applicant

The Applicant/Applicant's solicitor provided the following additional information which was forwarded to all parties prior to the commencement of the hearing:

1. A question and answer document
2. A proposed additional condition

Oral Evidence

The Sub-Committee members heard the following oral evidence:

The Licensing Officer

The Licensing Officer presented the report and provided an update on the matters that had arisen between the publishing of the report and the hearing itself.

The Applicant

The Applicant's solicitor provided an overview of their client's business, the application itself and answered questions from Members and officers. Mr Beaver, Mr Rolland and Mr Marsden from the Applicant were in attendance and answered questions from members and officers

Other Persons

The following Other Persons appeared and gave presentations regarding their concerns:

Mr and Mrs Freed

Mr M Lord

Mr C Hammond. Mr Hammond also read out a prepared statement from a Mr J Hopkins (an other person) who was unable to attend due to contracting Covid.

The following Guidance was considered:

East Cambridgeshire District Council Statement of Licensing Policy – 7th January 2021
Revised Guidance issued under section 182 of the Licensing Act 2003 - April 2018

DECISION

The decision of the Licensing Sub-Committee (in exercise of the powers delegated by East Cambridgeshire District Council as Licensing Authority) was to:

GRANT the application to vary an existing premises licence pursuant to the Licensing Act 2003, subject to the following amendments:

Amendment 1: The following condition offered by the applicant to be added to the licence.

Licensable activities permitted by the licence, including the sale by retail of alcohol for consumption on and off the premises, will only be authorised by this premises licence in the area known as the Orchard for a maximum of 19 "event days" occurring between 1st October and the last day of February annually. In utilising these 19 "event days", the licence holder shall hold no more than 14 consecutive "event days", and there shall be a minimum gap of 48 hours between the end of one promoted event utilising "event days" and the commencing of another promoted event utilising "event days". All licensable activities on "event days" will commence no earlier than 13:00 hrs and finish at 21:30 hrs. For the avoidance of doubt, the sale by retail of alcohol and all other licensable activities will not be authorised in the Orchard area of the premises licence shown in green on the attached plan outside of these "event days".

Amendment 2: The following condition to be added to the licence.

Whilst utilising one of the 19 “event” days mentioned in amendment 1* above (* to be replaced with condition number in the actual licence), and when other areas of the premises are used for the performance of film, or activities of a similar description to live music, recorded music and performance of dance, the premises licence holder shall ensure that the main advertised public contact telephone number for the Abbey is manned or forwarded to a member of staff throughout the duration of the event taking place.

Amendment 3: The following condition to be added to the licence.

The Premises Licence holder shall ensure that a noise management plan is prepared in advance of the 19 “event days” mentioned in amendment 1* (* to be replaced with condition number in the actual licence), and when other areas of the premises are used for the performance of film, or activities of a similar description to live music, recorded music and performance of dance that all events are run in accordance with this NMP at all times. This NMP should reflect current best practice and be made available to officers of the Council upon request.

Amendment 4: The following condition to be added to the licence.

The Premises Licence holder shall register the 19 event dates (to include their annual Winter Lights event) with the Council at least 6 months prior to the “event days” and upon the invite of the Safety Advisory Group (“SAG”) shall attend such meetings and run the “event days” in accordance with the event management plan supported by the SAG at all times. This EMP shall be deposited with the licensing authority a minimum of 7 days prior to the first day of the “event days”.

For the avoidance of doubt, it was also determined by Members that the conditions on the existing licence shall also be applicable when the “event days” are being utilised in the Orchard area of the premises

REASONS FOR THE DECISION

1. The Sub-Committee carefully considered all the information provided before and at the hearing. As detailed above, the Sub-committee heard from the Applicant and the Applicant’s legal representative, and from five Other Persons (four in person and one via a statement read out). Although it was noted that six of the original eight representations remained outstanding, two Other Persons had stated prior to the subcommittee meeting that the additional condition offered by the applicant satisfied their concerns and therefore felt a hearing was no longer required. The remaining Other Person did not respond to confirm whether their objection remained or had been withdrawn.
2. In making their decision, the Sub-Committee had regard to the four licensing objectives, namely:
 - The Prevention of Crime and Disorder
 - Public Safety
 - The Prevention of Public Nuisance
 - The Protection of Children from Harm
3. The Sub-Committee considered that the licensing objective of the prevention of public nuisance was engaged

4. The Sub-Committee considered that the proposed conditions mentioned above provided an acceptable balance between the desires of the applicant to enjoy their property, and the rights of the other persons to enjoy theirs, and that in granting the variation to the Premises licence, this would provide suitable controls to uphold the licensing objectives. It was further noted that the Licensing Act 2003 enabled the Applicant to give notice for up to 20 occasional events on up to 26 days per annum via the Temporary Event Notice route. Whilst it was not possible to prohibit such notices from being submitted, it was considered that this would not in all likelihood arise. However, if it were to arise Members noted that the addition of the amendments could become conditions on future Temporary Event Notices should the matter to determine an objection notice come before a future panel.
5. With regard to the statutory consultees, the Sub-Committee assessed both their written and oral representations and gave them appropriate weighting.

RIGHTS OF APPEAL

The Applicant or any persons who made a relevant objection have a right of appeal against this decision. Notice must be given to the Clerk to the Cambridge Magistrates' Court, The Court House, Bridge Street, Peterborough PE1 1ED within 21 days of notification of the Licensing Sub-Committee's decision. Email: cb-enquiries@hmcts.gsi.gov.uk