



**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](mailto:cb-enquiries@hmcts.gsi.gov.uk)