
TITLE: APPLICATION FOR THE GRANT OF A NEW PREMISES LICENCE - LICENSING ACT 2003

Committee: Licensing (Statutory) Sub-Committee

Date: 7 December 2023

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[Report No. Y108]

1.0 PURPOSE/SUMMARY OF REPORT

1.1 To determine an application for the grant of a new premises licence in respect of TR Events, Sunnyridge Farm, 10 Mill Road, Lode, Cambridge, CB25 9EN.

2.0 RECOMMENDATION(S)

2.1 That Members consider the content of this report and determine the application in accordance with the options contained in paragraph 4.4 of this report.

3.0 BACKGROUND/OPTIONS

3.1 Premises History

This premises is part of a working farm, consisting of mainly arable land laid to meadow and grazing. The site benefits from a live Premises Licence (16/00230/LIQ/02) issued under the Licensing Act 2003 for a festival event called Lodestar, which is held by Mr Durrant. This licence has an attendance capacity of 14,999 providing the conditions of that licence are met. The Lodestar Festival itself has not been run for a number of years, but this does not affect the validity of the licence. The existence of the Lodestar licence does not limit Mr Durrant's rights to formally apply for and hold a second licence upon this land.

Details of the new application

3.2 On 25th October 2023 Mr Doug Durrant applied for a Premises Licence under section 17 of the Licensing Act 2003 for Sunnyridge Farm, 10 Mill Road, Lode, Cambridge, CB25 9EN, trading as TR Events (**Appendix 1**). The application was served on the responsible authorities and advertised in accordance with the regulations of the Licensing Act 2003, but due to a few clerical issues that the applicant needed to resolve, the Licensing Authority was unable to validate the application until the 27th October 2023. Due to this consultation period ran until the 24th November 2023.

3.3 The application form states that the applicant intends to run the premises as an outdoor marquee for private events. To support this the applicant requested the following:

Table 1

Licensable Activity	Proposed Hours
Sale by Retail of Alcohol for consumption on and off the premises	10:00 to 00:30 Monday to Sunday
Late Night Refreshment (indoors)	23:00 to 00:30 Monday to Sunday
Live and Recorded Music (indoors)	23:00 to 00:30
Opening Hours	10:00 to 01:00 Monday to Sunday

- 3.4 The plans of the premises can be found at **Appendix 2**.
- 3.5 The applicant offered steps that they are willing to take to promote the licensing objectives. These can be found in **Appendix 3** to this report.

Relevant Representations

- 3.6 During the consultation period the Licensing Authority received three representations from responsible authorities, namely, Cambridgeshire Constabulary and both Environmental Health – Domestic and Environment Health - Commercial. The full details of these objections can be found at **Appendix 4**.
- 3.7 No representations were received from other persons permitted by the Licensing Act 2003 to submit representations.
- 3.8 Following the receipt of the representations mentioned above, the applicant agreed to an amended list of conditions with all three responsible authorities. This list replaces those in appendix 3 in their entirety, and is exhibited as **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 6):

The Licensing Objectives	Section 2
Applications for Premises Licences	Section 8
Determining applications	Section 9
Conditions attached to Premises Licences	Section 10
Deregulation of certain entertainment	Section 16

4.3 Relevant Local Policy considerations (Appendix 7):

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 application as follows:

- (a) to grant the premises licence subject to:
 - (i) the conditions that are consistent with the operating schedule accompanying the application modified to such extent as Members consider appropriate for the promotion of the licensing objectives; and
 - (ii) any mandatory conditions that must be included in the licence;
- (b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
- (c) to refuse to specify a person in the licence as the premises supervisor;
or
- (d) to reject the application.

4.5 When determining this premises licence application, Members are asked to consider the following matters:

- (a) no representations were received from “other persons” defined by the Act.
- (b) the agreement reached between all parties provides greater protections than the original application provided, and does not widen the scope of the original application.
- (c) it is considered by officers that the amendment would have no adverse effects on the general public or any responsible authority;

- (d) both the applicant and those who submitted representations have agreed to dispense with a formal sub-committee hearing, as a result of the amendments in Table 2.
- 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 If Members believe that the agreement reached satisfies them that the licensing objectives will be upheld, Members can agree with the applicant and those making representation, and dispense with the need to hold a hearing, and Members may determine the application without hearing any verbal evidence from the applicant or person/body who submitted a representation. If Members consider the agreement reached could have a detrimental impact on one of the licensing objectives, and believe it is in the public interest, they may adjourn the determination, and invite all parties to attend a hearing on a future specified date to answer their questions.
- 5.0 FINANCIAL IMPLICATIONS/EQUALITY
- 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 also 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 The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149(7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

6.0 APPENDICES

- 6.1 Appendix 1 – Application Form
- Appendix 2 – Plans
- Appendix 3 – Operating schedule conditions
- Appendix 4 – Objections – Responsible Authorities
- Appendix 5 – Agreed conditions
- Appendix 6 – S182 Statutory Guidance extracts
- Appendix 7 – Local Policy extracts

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer</u>
Licensing Act 2003	Room SF208	Stewart Broome
Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003, August 2023	The Grange Ely	Senior Licensing Officer 01353 616477 Stewart.broome@eastcambs.gov.uk
ECDC Statement of Licensing Policy 2021		