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

Committee: Licensing (Statutory) Sub-Committee

Date: 28 July 2021

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[W50]

1.0 PURPOSE/SUMMARY OF REPORT

1.1 To determine an application for the grant of a new premises licence in respect of Horsley Hale Farm, Horsley Hale, Littleport, Ely, Cambridgeshire, CB6 1ER.

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 premises is a rural Glamping site just outside Littleport offering short stay holiday accommodation in Bell Tents, Safari Tents and Yurts in what were previously grazing paddocks to the East of Horsley Hale Farm. Guests also have access to six acres comprising further paddocks, meadow, wooded areas and lakeside gardens.

In addition to the above, the venue hosts occasional private events, mainly wedding receptions, in a marquee on the property. Since 2017, nineteen Temporary Event Notices have been served on the Licensing Authority for the provision of regulated entertainment and the sale of alcohol for these events.

Details of the new application

3.4 On 7th June 2021 Horsley Hale Farm Ltd applied for a Premises Licence under section 17 of the Licensing Act 2003 for Horsley Hale Farm, Horsley Hale, Littleport, Ely, Cambridgeshire, CB6 1ER (**Appendix 1**). 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 convert the check-in office at the site entrance to a shop selling alcohol, beverages and snacks to overnight-stay guests, and for occasional film shows for up to thirty overnight-stay guests to take place in a stable-style structure with temporary bar. The application also proposes occasional private events of up to 250 guests to take place in a temporary

marquee with internal bar. To support this the applicant has applied for a premises licence that requests the following:

Table 1

Licensable Activity	Proposed Hours
Sale by Retail of Alcohol for consumption on and off the premises	08:00 to 00:00 Monday to Sunday For sale of alcohol in site shop
	12:00 to 00:00 Monday to Sunday For sale of alcohol in cinema and at marquee events
Late Night Refreshment (indoors)	23:00 to 00:00 Monday to Sunday For late night refreshment in cinema and at marquee events
Live Music (indoors), Performances of Dance (indoors), Anything similar to Live Music, Recorded Music and Performance of Dance (indoors)	12:00 to 23:00 Monday to Sunday For regulated entertainment at marquee events
Films (indoors)	12:00 to 00:00 Monday to Sunday (cinema room)
Recorded Music (indoors)	12:00 to 00:00 Monday to Sunday at marquee events with background recorded music only permitted from 23:30 to 00:00 hours at marquee events
Opening Hours	00:00 to 00:00 Monday to Sunday

- 3.6 The plans of the premises can be found at **Appendix 2**.
- 3.7 The applicant has offered steps that they are willing to take to promote the licensing objectives. These can be found in **Appendix 3** to this report.
- 3.8 Late Night Refreshment has been completed to say that food will only be provided from inside the premises. This is not to be confused with the consumption of the food which would be able to take place on and off the premises, unless conditions were added to prevent such an action.
- 3.9 The existence of planning permission is not a matter for licensing to be concerned with when determining an application.

Relevant Representations

- 3.9 During the consultation period the Licensing Authority received a valid representation from the Senior Licensing Officer on behalf of the Licensing

Authority (**Appendix 4**). No other representations were received from any other responsible authorities.

- 3.10 A total of 8 valid representations were received from other persons permitted by the Licensing Act 2003 to submit representations. During the consultation period 3 of the valid representations were withdrawn. The remaining 5 representations can be found at **Appendix 5**.
- 3.11 At the time of writing this report the applicant has agreed to have the proposed conditions, put forward by the Senior Licensing Officer (table 2 below), added to their licence, should Members be minded to grant a licence.
- 3.12 No further agreement has been reached between the applicant and the 5 other persons with outstanding representations.

Table 2

1)	New condition 1: Alcohol may only be sold for consumption on the premises from the bars located in the cinema, café/shop building, and the marquee (during the permitted events mentioned in condition 5), but only to persons staying overnight at the premises, or attending one of the permitted events mentioned in condition 5.
2)	New condition 2: Alcohol may only be sold for consumption off the premises from the bars located in the cinema, café/shop building, temporary pop-up bar indicated on the plans, and the marquee (during the permitted events mentioned in condition 5), but only to persons staying overnight at the premises, or attending one of the permitted events mentioned in condition 5.
3)	New condition 3: Late Night Refreshment may only be sold/supplied to persons staying overnight or attending one of the permitted events mentioned in condition 5.
4)	New condition 4: The performance of film shall be restricted to the location marked cinema on the plan, and attendance to the cinema will be restricted to guests who are staying at the premises overnight.
5)	New condition 5: On up to 15 occasions a year, the regulated entertainment stated on this licence, sale of alcohol, and late night refreshment will be permitted to occur for up to 250 guests in the temporary marquee shown on the plan, within the times permitted on this licence, at all other times the number of guests having access to licensable activities on the site will not exceed the available overnight accommodation level.

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 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.

4.3 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.

4.4 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.

4.5 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 modify the premises operating schedule, exclude a licensable activity from the scope of the licence, refusal to specify a person as the designated premises supervisor or reject the application, 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 Application form
- 6.2 Appendix 2 Plan of the premises
- 6.3 Appendix 3 Offered conditions as part of the operating schedule
- 6.4 Appendix 4 Representation from Stewart Broome, Senior Licensing Officer
- 6.5 Appendix 5 Representations from other persons

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer</u>
Licensing Act 2003	Room SF208	Lin Bagwell
Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003, April 2018	The Grange Ely	Licensing Officer 01353 616477 Lin.bagwell@eastcambs.gov.uk

ECDC Statement of
Licensing Policy 2021