



East Cambridgeshire District Council

Minutes of a Meeting of the Licensing (Statutory) Sub Committee

Held at The Grange, Nutholt Lane, Ely, CB7 4EE at 10:37am
on Tuesday 26 March 2024

Present:

Cllr Keith Horgan (Chair)

Cllr Julia Huffer (substitute for Cllr Lavinia Edwards)

Cllr Gareth Wilson (substitute for Cllr Charlotte Cane)

Officers:

Stewart Broome – Senior Licensing Officer

Angela Tyrrell – Senior Legal Assistant

Hannah Walker – Trainee Democratic Services Officer

In attendance:

Hannah Brown – Cambridgeshire Live

1. Apologies and substitutions

Apologies for absence were received from Cllrs Cane and Cllr Edwards.

Cllrs Wilson and Cllr Huffer were attending as a substitute.

2. Declarations of interest

Cllrs Horgan and Wilson declared they were members of the National Trust.

3. Application for the variation of a Premises Licence – Licensing Act 2003

Applicant: National Trust (Enterprises) Limited

Premises: Wicken Fen, Lode Lane, Wicken, Ely, CB7 5XP

The Sub-Committee considered a report, Y167 previously circulated, to determine an application to vary an existing premises licence in respect of Wicken Fen National Trust Nature Reserve, Lode Lane, Wicken, CB7 5XP.

Members were notified that the objection had been resolved and therefore the applicant and objector were not present at the meeting, the agreed amended plan was circulated to Members.

The Senior Licensing Officer informed Members that the applicant had held a premises licence for the premises since 18 March 2010. On 31 January 2024 the National Trust (Enterprises) Limited applied to vary their premises licence for Wicken Fen National Trust Nature Reserve in accordance with section 34 of the Licensing Act 2003. The application sought to amend the licensing plan for the premises, with all existing licensable activities and hours to remain as per the original licence, the proposed plans were included in the Officer's report to show the amendment to the licence to enlarge the licensable area.

There were no representations from responsible authorities, and one representation received from an Objector. Since publication of the agenda, conversations had continued between the Applicant and the Objector regarding the submitted amended plan, both parties had agreed to the amended plan and to dispense with the need for a full hearing, however Members had to decide on the application to vary the premises licence.

Members were reminded that the application should be determined with a view to promoting the four licensing objectives: the prevention of crime and disorder; the prevention of public nuisance; public safety; and the protection of children from harm. Members were required to have regard to the Statutory Guidance issued under Section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy.

Members were asked to determine the premises licence variation by either granting the variation, rejecting the whole or part of the application, or modifying the conditions of the licence. Members were reminded that modifying or imposing new conditions, or rejecting the whole or part of the application must be appropriate to do so in order to promote the licensing objectives.

The Sub-Committee were informed that in determining the application, the decision must be appropriate and proportionate to the objective being pursued, Members must consider:

- Article 6 – the right to a fair hearing
- Article 8 – respect for private and family life
- Article 1, First protocol peaceful enjoyment of possessions
- Article 14 – the right to freedom from discrimination

The Senior Licensing Officer ended their report by stating that the cost of the Licensing Hearing was covered by the statutory licence fees paid by the licence applicants.

The Chair invited questions to the Senior Licensing Officer.

In response to a question from Cllr Wilson regarding concern raised by the objector regarding the van, the Senior Licensing Officer advised that potentially there was a misunderstanding of what was required under the Licensing Act 2003, the Local Government (Miscellaneous Provisions) Act 1982 and the Business and Planning Act 2020 for pavement licences. The National Trust had

their celebratory year approaching and were looking to enlarge the area to facilitate events through their celebration period. If Members were to grant the agreement it would not impact on the bearing of the van being there, the amendment would allow for licensable activities under the Licensable Act 2003 to occur in a slightly larger area without applying for a Temporary Event Notice (TEN).

In response to a question from Cllr Horgan, the Senior Licensing Officer advised that the van would need to be covered by a Street Trading Consent issued under the 1982 Act, as the location was likely to fall within the definition of a street under that Act.

In response to a query from Cllr Wilson, the front part of the site was the car park, and further south was the overspill car park.

Cllr Horgan had asked whether there had been any breaches of the existing licence, and what additional steps if any would be needed for the extra area for licensable activities.

The Senior Licensing Officer confirmed that there was no cause for concern, no complaints had been received, and the applicant had been cooperative throughout the currency of their existing licence. If there were breaches of conditions then formal action could be taken via the appropriate routes, but there had not been any breaches in the past.

The Chair closed the public session of the meeting at 10:54am for the Sub-Committee Members (together with their Senior Legal Assistant) to retire to a closed session to consider the evidence and reach a decision.

Chairman.....

Date.....

EAST CAMBRIDGESHIRE DISTRICT COUNCIL

LICENSING ACT 2003

NOTICE OF DETERMINATION OF LICENSING SUB-COMMITTEE HEARING

DECISION NOTICE

<u>Date of Hearing:</u>	Tuesday 26 th March 2024
<u>Sub-Committee Members:</u>	Councillor Keith Horgan (Chairman) Councillor Julia Huffer Councillor Gareth Wilson
<u>Officers</u>	Hannah Walker – Trainee Democratic Services Officer Stewart Broome – Senior Licensing Officer Angela Tyrrell - Senior Legal Assistant
<u>Applicant:</u>	The National Trust (Enterprises) Limited – Not present
<u>Responsible Authorities:</u>	None
<u>Other Persons:</u>	Ms E Knight – Not present
<u>Application by:</u>	Flint Bishop Solicitors on behalf of The National Trust (Enterprises) Limited
<u>Premises Address:</u>	Lode Lane, Wicken, Ely, Cambridgeshire, CB7 5XP
<u>Date of Application:</u>	Wednesday 31 st January 2024
<u>Details of Application:</u>	Application to vary an existing Premises Licence under Section 34 of the Licensing Act 2003.

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 application form and their supporting documentation;
2. A copy of the representation submitted by an Other Person;
3. A copy of the amended plan agreed with an Other Person;
4. Section 182 Statutory Guidance extracts;
5. Local Statement of Licensing Policy extracts.

Oral Evidence

The Sub-Committee members heard the following oral evidence:

The Licensing Officer

The Licensing Officer presented the report, and advised Members that the applicant and an Other Person who submitted an objectional representation had now agreed conditions, and

the officer then presented Members with a copy of the new agreed reduced licensable activity area, and then answered Member's questions.

The Applicant

Not present

The responsible authorities

None

Other Persons

Not present

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 – January 2024
DECISION: Members of the Licensing Sub-Committee (in exercise of the powers delegated by East Cambridgeshire District Council as Licensing Authority) decided to:

GRANT the variation to the Premises Licence held by The National Trust (Enterprises) Limited in accordance with para 4.4(a) of the Officer Report subject to:

- (i) the conditions contained on the licence in force at the time the variation application was submitted, and
- (ii) any mandatory conditions that must be included in the licence, and
- (iii) the new amended (reduced) licensable activity area agreed between parties to the application.

REASON: In reaching this decision, Members of the Sub-Committee took into account that all parties had reached agreement, had agreed to dispense with the need to hold a full hearing, and the agreement satisfied them that the licensing objectives would not be undermined. They agreed that the agreement reached between the applicant and an Other Person provided greater protection than the original application provided, and did not widen the scope of the original application submitted.

They also agreed that the amendment would have no adverse effect on the general public or any responsible authority as a result of those amendments being agreed.

Members noted the good history of the premises under the control of The National Trust (Enterprises) Limited, and that this gave them assurance that granting the variation would have no detrimental impact on any of the licensing objectives.

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

