



East Cambridgeshire District Council

Meeting: Licensing (Statutory) Sub-Committee

Time: 10:00am

Date: Tuesday 26 March 2024

Venue: Committee Room 2, The Grange, Nutholt Lane, Ely, CB7 4EE

Enquiries regarding this agenda: Hannah Walker

Telephone: (01353) 665555

Email: hannah.walker@eastcambs.gov.uk

Committee membership

Conservative Members

Cllr Lavinia Edwards

Cllr Keith Horgan (Chairman)

Substitutes:

Cllr Martin Goodearl

Cllr Julia Huffer

Liberal Democrat Member

Cllr Charlotte Cane

Substitute:

Cllr Gareth Wilson

(tbc)

Quorum: 3 Members

AGENDA

- 1. Apologies and Substitutions** [oral]
- 2. Declarations of Interest** [oral]
To receive declarations of interest from Members for any Items on the Agenda in accordance with the Members Code of Conduct.
- 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

To consider the above matter in accordance with the Hearings Procedure (attached).

NOTES:

1. Members of the public are welcome to attend this meeting. Please report to the main reception desk on arrival at The Grange. Visitor car parking on-site is limited to 1h but there are several free public car parks close by: <https://www.eastcambs.gov.uk/parking/car-parks-ely>

Admittance is on a “first come, first served” basis and public access will be from 10 minutes before the start time of the meeting. Due to room capacity restrictions, members of the public are asked, where possible, to notify Democratic Services (democratic.services@eastcambs.gov.uk or 01353 665555) of their intention to attend the meeting.

Further details about the meeting can be found at:

2. The Council has adopted a ‘Purge on Plastics’ strategy and is working towards the removal of all consumer single-use plastics in our workplace. Therefore, we do not provide disposable cups in our building or at our meetings and would ask members of the public to bring their own drink to the meeting if required.
3. Fire instructions for meetings:
 - If the fire alarm sounds please make your way out of the building by the nearest available exit i.e. the back staircase or the fire escape in the Chamber. Do not attempt to use the lifts.
 - The fire assembly point is in the front staff car park by the exit barrier.
 - The building has an auto-call system to the fire services so there is no need for anyone to call the fire services.

The Committee Officer will sweep the area to ensure that everyone is out.

4. Reports are attached for each agenda item unless marked “oral”.
5. If required, all items on the agenda can be provided in different formats (e.g. large type, Braille or audio tape, or translated into other languages), on request, by calling Main Reception on (01353) 665555 or e-mail: translate@eastcambs.gov.uk
6. If the Committee wishes to exclude the public and press from the meeting, a resolution in the following terms will need to be passed:

“That the press and public be excluded during the consideration of the remaining item no(s). X because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the item(s) there would be disclosure to them of exempt information of Category X of Part I Schedule 12A to the Local Government Act 1972 (as amended).”

HEARINGS PROCEDURE FOR LICENSING SUB-COMMITTEES

1. Any hearing required under the legislation is to take the form of a discussion led by the Council. Hearings will be held in public unless the Members of the hearing consider that the public interest in excluding the public outweighs the public interest in the hearing or that part of it, taking place in public. For these purposes, a party to the hearing and any person assisting or representing a party may be treated as a member of the public.
2. The Chairman will introduce the Members and participants and explain the procedure to be followed. The Chairman will advise all parties that they must make their submissions succinctly, and that all parties will be afforded the same time which should generally not exceed 10 minutes.
3. If any party has advised the Council they do not intend to attend or be represented at the hearing, the hearing may proceed in their absence.
4. If any party has not indicated they do not intend to attend or be represented at the hearing, the Sub-Committee may:
 - where it considers it necessary in the public interest, adjourn the hearing to a specified date(s); or
 - hold the hearing in that party's absence.
5. Where a hearing is held in the absence of a party, any representations or notice made by that party shall be considered at the hearing.
6. Where a hearing is adjourned to a specified date(s), all parties will be notified forthwith of the date(s), time and place to which the hearing has been adjourned.
7. The Licensing Officer will appear first and will give:
 - a summary of the application/case
 - a summary of the representations made
 - a summary of how the application/case and any relevant representations relate to the provision of the Licensing Policy Statement, any guidance from the Secretary of State and the relevant legislation.

[In the case of enforcement/compliance hearings:

- 7a. *If a complainant is present, they will be asked to give details of their complaint. This procedure will be repeated if there is more than one complainant.*
- 7b. *The licence holder or their representative will be asked to present their case.*
- 7c. *Members, and Legal Officer will be able to ask questions of the licence holder.*
- 7d. *Licence holder or their representative will be asked to provide their closing statement.]*

[In the case of Licensing Act and Gambling Act review hearings:

- 8a. *The review applicant or their representative will be asked to present their case.*
- 8b. *Members, Legal Officer, any other party to the hearing will be able to ask questions of the review applicant.*
- 8c. *Representatives of the Responsible Authorities and/or Statutory Consultees, will appear next to explain their case.*

- 8d. *Members, Legal Officer, any other party to the hearing will be able to ask questions of the Responsible Authorities and/or Statutory Consultees.*
- 8e. *The licence holder or their representative will be asked to present their case.*
- 8f. *Members, Legal Officer, any other party to the hearing will be able to ask questions of the licence holder.*
- 8g. *The licence holder or their representative will be asked to provide their closing statement.]*

[In the case of all other application hearings:

- 9a. *The Applicant or their representative will be asked to present their case.*
- 9b. *Members, Legal Officer, any other party to the hearing will be able to ask questions of the applicant.*
- 9c. *Representatives of the Responsible Authorities and/or Statutory Consultees, and non-statutory Consultees (where applicable) will appear next to explain their case.*
- 9d. *Members, Legal Officer, any other party to the hearing will be able to ask questions of the Responsible Authorities and/or Statutory/Non-statutory Consultees.*
- 9e. *The applicant will be asked to provide their closing statement.]*
10. Members will be able to ask questions of any party at any time during the hearing but will at all times bear in mind the need for all parties to be afforded the same time to make their case.
11. Documentary or other information may be produced for consideration by the hearing by any party attending the hearing either before the hearing, or with the consent of all the other parties, at the hearing.
12. Information which is not relevant to:
- the application/case, representation or notice (as applicable);
 - the provision of the licensing objectives or (in relation to a hearing to consider a notice given by a chief officer of police) the crime prevention objective;
- will be disregarded.
13. For the avoidance of doubt, formal cross-examination will not be allowed at hearings, unless the Members of the hearing consider that it is required for proper consideration by them of any representation, application or notice as the case may require.
14. Should Members during the hearing be of the opinion that a site visit is necessary to enable them to make the decision then the meeting will be adjourned and a site visit carried out in accordance with the Council's Site Visit Guidance.
15. Following the presentations by and questioning of all the parties, the Members of the hearing will generally retire into closed session (either by leaving the room or asking all other parties to do so). The Members will make a decision and record reasons for this.
16. The authority will normally make its determination on the day and announce their decision and the reasons for it at the conclusion of the hearing. However, if stated otherwise by

Members before they retire, the decision will be communicated to all parties within 5 working days.

17. The Council shall provide for a record to be taken of the hearing in a permanent and intelligible form and kept for six years from the date of the determination or, where an appeal is brought against the determination of the authority, the disposal of the appeal. The right of appeal is 21 days from the date of notification of the decision.
18. For the avoidance of doubt, any irregularity resulting from any failure to comply with any provision of the Regulations before the authority has made a determination shall not of itself render the proceedings void.
19. In any case of such an irregularity, the authority shall, if it considers that any person may have been prejudiced as a result of the irregularity, take steps as it thinks fit to cure the irregularity before reaching its determination.
20. Clerical mistakes in any document recording a determination of the authority or errors arising in such document from an accidental slip or omission may be corrected by the authority.
21. Any person attending the hearing who in the opinion of the Members hearing the matter is behaving in a disruptive matter may be required to leave the hearing and may:
 - be refused permission to return; or
 - be permitted to return only on the conditions as may be specified by the Members and the hearing PROVIDED THAT such person may, before the end of the hearing, submit to the hearing in writing any information which they would have been entitled to give orally had they not been required to leave.

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

Committee: Licensing (Statutory) Sub-Committee

Date: 26 March 2024

Author: Stewart Broome, Senior Licensing Officer

Report No: Y167

Contact Officer:

Stewart Broome, Senior Licensing Officer

Stewart.broome@eastcambs.gov.uk, 01353 616477

Room SF208, The Grange, Ely

1.0 PURPOSE/SUMMARY OF REPORT

1.1 To determine an application to vary an existing premises licence in respect of Wicken Fen National Trust Nature Reserve, Lode Lane, Wicken, Ely, Cambs, CB7 5XP.

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

The applicant has held a premises licence for this premises since 18 March 2010, a copy of this licence, including a plan of the current licensed area is attached as **Appendix 1**.

Details of the new application

3.2 On 31 January 2024 The National Trust (Enterprises) Limited applied to vary their Premises Licence for Wicken Fen National Trust Nature Reserve, Lode Lane, Wicken, Ely, Cambs, CB7 5XP in accordance with section 34 of the Licensing Act 2003 (**Appendix 2**). The application was served on the responsible authorities and advertised in accordance with the regulations of the Licensing Act 2003.

3.3 The application states that the applicant seeks to amend the licensing plan for the premises, with all existing licensable activities and hours to remain as per the original licence contained in **Appendix 1**. The proposed plans showing the enlarged licensable area can be found in **Appendix 3**.

3.4 The applicant has offered no additional steps to promote the licensing objectives.

Relevant Representations

- 3.5 Responsible Authorities – None
Other persons – One (**Appendix 4**)
- 3.6 The validated representation raised concerns over public nuisance occurring as a result of increasing the licensable activity area of the premises.
- 3.7 The person submitting this representation suggested an amendment could be made to the application which would satisfy their concerns. Officers supplied this information to the applicant for their consideration, but at the time of writing this report no agreement between parties had been secured.

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:

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:

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 variation as follows:

- (a) to grant the variation
- (b) reject the whole or part of the application
- (c) to modify the conditions of the licence*

* and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added. Any modification must relate to the variation being requested.

4.5 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. Conditions attached must be focused on matters which are within the control of applicant, i.e. the premises and its vicinity.

Regulation 19(a) requires authorities to disregard any information given by a party or person that is “not relevant” to their application or representation, and is not relevant to the licensing objectives.

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 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**

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 – Current issued licence
- Appendix 2 – Variation application
- Appendix 3 – Proposed plans
- Appendix 4 – Objection – Other Persons

Background Documents:

Licensing Act 2003

Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003, 18 January 2024

ECDC Statement of Licensing Policy 2021



East Cambridgeshire District Council

The Grange, Nutholt Lane, Ely, Cambridgeshire. Tel: 01353 665555

Part A

Premises Licence

Premises Licence Number

20/00160/LIQ_02

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

Wicken Fen National Nature Reserve
Lode Lane
Wicken
Ely
Cambridgeshire
CB7 5XP

Telephone number:

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Plays (indoors & outdoors)
Films (indoors & outdoors)
Live Music (indoors & outdoors)
Recorded Music (indoors & outdoors)
Performance of Dance (indoors & outdoors)
Entertainment of a Similar Description (indoors & outdoors)
Late Night Refreshment (indoors & outdoors)
Sale by Retail of Alcohol

Times the licence authorises the carrying out of licensable activities**Standard activity times**

Plays (indoors & outdoors) Monday to Sunday	09:00 - 23:30
Films (indoors & outdoors) Monday to Sunday	09:00 - 23:30
Live Music (indoors & outdoors) Monday to Sunday	09:00 - 23:30
Recorded Music (indoors & outdoors) Monday to Sunday	09:00 - 23:30
Performance of Dance (indoors & outdoors) Monday to Sunday	09:00 - 23:30
Entertainment of a Similar Description (indoors & outdoors) Monday to Sunday	09:00 - 23:30
Late Night Refreshment (indoors & outdoors) Monday to Sunday	23:00 - 23:30
Sale by Retail of Alcohol Monday to Sunday	09:00 - 23:30

The opening hours of the premises**Standard opening hours**

Monday to Sunday	00:00 - 00:00
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Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption both ON and OFF the premises.

Part 2**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

The National Trust (Enterprises) Limited
Heelis
Kemble Drive
Swindon
Wiltshire
SN2 2NA

Registered number of holder, for example company number, charity number (where applicable)

Registered Business Number: 01083105

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Isabel Maria Beatrice Sedgwick

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal Licence Number:

Licensing Authority:

Licence last updated: 10 March 2020

Annex 1 – Mandatory Conditions**Mandatory Conditions: Sale by Retail of Alcohol**

1. No supply of alcohol may be made under the premises licence:
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory Conditions: Irresponsible Drink Promotions, Free Potable Water, Age Verification Policy, Measures of Alcohol

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:

 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:

- (a) a holographic mark, or
- (b) an ultraviolet feature.

4. The responsible person must ensure that:

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Mandatory Conditions: No Sale of Alcohol for less than the Permitted Price

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price less than the permitted price.

2. For the purposes of the condition set out in paragraph 1:

- a) 'duty' is to be construed in accordance with the Alcoholic Liquor Duties Act 1979);
- b) 'permitted price' is the price found by applying the formula:

$$P = D + (D \times V)$$

where:

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- c) 'relevant person' means, in relation to premises in respect of which there is in force a premises licence:
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

- d) 'relevant person' means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - e) 'value added tax' means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
 4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ('the first day') would be different from the permitted price on the next day ('the second day') as a result of a change to the rate of duty or value added tax.
 - (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Mandatory Conditions: Exhibition of Films

1. Where the film classification body is specified in the premises licence, unless subsection (2)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
2. Where:
 - b) the film classification body is not specified in the licence, or
 - c) the relevant licensing authority has notified the holder of the premises licence that this subsection applies to the film in question,
 admission of children must be restricted in accordance with any recommendation made by that licensing authority.
3. In this section:
 - a) 'children' means persons under the age of 18, and
 - b) 'film classification body' means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

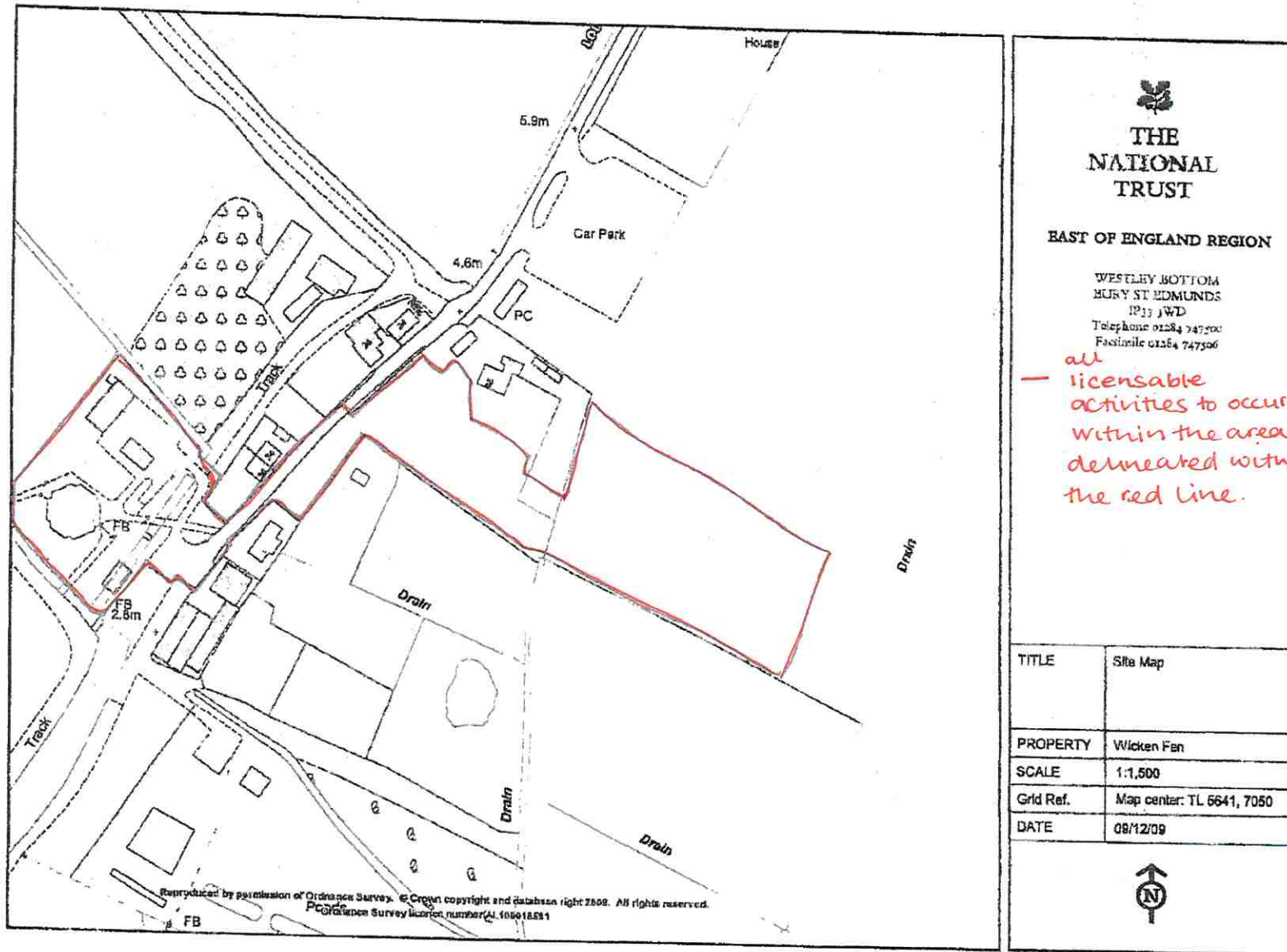
Annex 2 – Conditions consistent with the Operating Schedule

1. The premises licence holder to undertake any additional matters specifically agreed in writing between the premises licence holder and any of the responsible authorities or an interested party that promote the licensing objectives but do not replicate a statutory provision.
2. A risk assessment to be completed and measures taken to reduce any significant risks to a level that can be reasonably achieved.
3. Copies of risk assessments to be requested from any sub-contractors involved in providing licensable activities.
4. No setting up and/or knocking down of temporary structures or plant to take place whilst members of the public are in the immediate vicinity.
5. Adequate lighting to be maintained at all times to a level to facilitate general circulation and emergency egress from any licensed area.
6. Back up lighting facilities to be provided for use in the case of an emergency.
7. Access and egress routes to be indicated on any plan that may from time to time be deposited with the Licensing Authority.
8. An evacuation plan to be adopted and advised to all relevant members of staff.
9. A means for summoning the emergency services to be available at the premises.
10. A sufficient number of staff to be engaged, based on the advice of the fire services or police, to assist in safe access and egress from the premises.
11. Firefighting equipment to be checked and serviced in accordance with manufacturers recommendations.
12. Firefighting equipment to be located at positions indicated on the approved plan or any other plan that may from time to time be deposited with the Licensing Authority.
13. Enclosed temporary structures intended for public use to be flame proofed to prevent accidental ignition.
14. Where any structure is erected for the purpose of housing a licensable activity, the plans for the structure to be forwarded to the Licensing Authority no less than one month before the event takes place or within any other period as agreed, unless a plan has already been submitted that does not substantially differ in relation to any of the statutory specifications for plans.
15. Sound or vibration to be controlled at the premises so as to prevent a public nuisance being caused at any adjacent property in separate occupation and ownership.
16. Private functions held outside or within marquees where amplified live or recorded music will be played, for example private parties or wedding receptions, to be limited to a maximum of four functions per year.
17. An person selling or supplying alcoholic drink under the authority of a personal licence holder to ask for photographic ID proof of age where they have reason to suspect that the individual is under 18 years of age.

18. Children to only be admitted to films and video recordings in accordance with the BBFC or Licensing Authority rating unless the recording has previously been screened on terrestrial television in the UK between the hours of 07:00 and 21:00 or is recorded in accordance with the current guidance for Broadcasting Directors.

Annex 3 – Conditions attached after a Hearing by the Licensing Authority

[BLANK]



Key to Flooring	
	Safety Floor (on mill) Altra - Classic 25X25 in X2.546R11 Graphite - 2.5mm wear layer - R11 slip res. Welded no. 85. Altra Contact Tel: 01462 489516
	Concrete Effect Vinyl Dark Industrial Concrete 9859 by Polyflor R10 slip rating

Key	Description
	Suspended ceiling: Install Armstrong Parafon Hygien (ISO 5) or similar installed in accordance with manufacturers instructions.

NOTE:

Although the Contractors are not responsible for the purchase of the equipment they will be expected to:

Liaise with the supplier to confirm the order and services requirements are correct. Even if the services are installed by a main contractor/third party. Liaise with the supplier to agree delivery and assist with delivery into the site where and when required. Unpack locate and dispose of packaging. Install all equipment with the exception of forster cold rooms, Forsters will install but the contractor will need to liaise to confirm all services are in order. Hobart will commission their equipment. Contractor will be expected to supply sundry install items such as waste pipe to rear of combi-ovens and gully etc. Install all the items supplied by the NT such as soap dispensers and POS etc.

NOTE:

Inspire assume that on walls NOT indicating stud-work the electrics will be chased into the walls and water and waste will come through floor out of the slab.

Architect to confirm above is the case and if not then clarify the detail of stud-work (depths) to all other walls as this may affect distances between equipment.

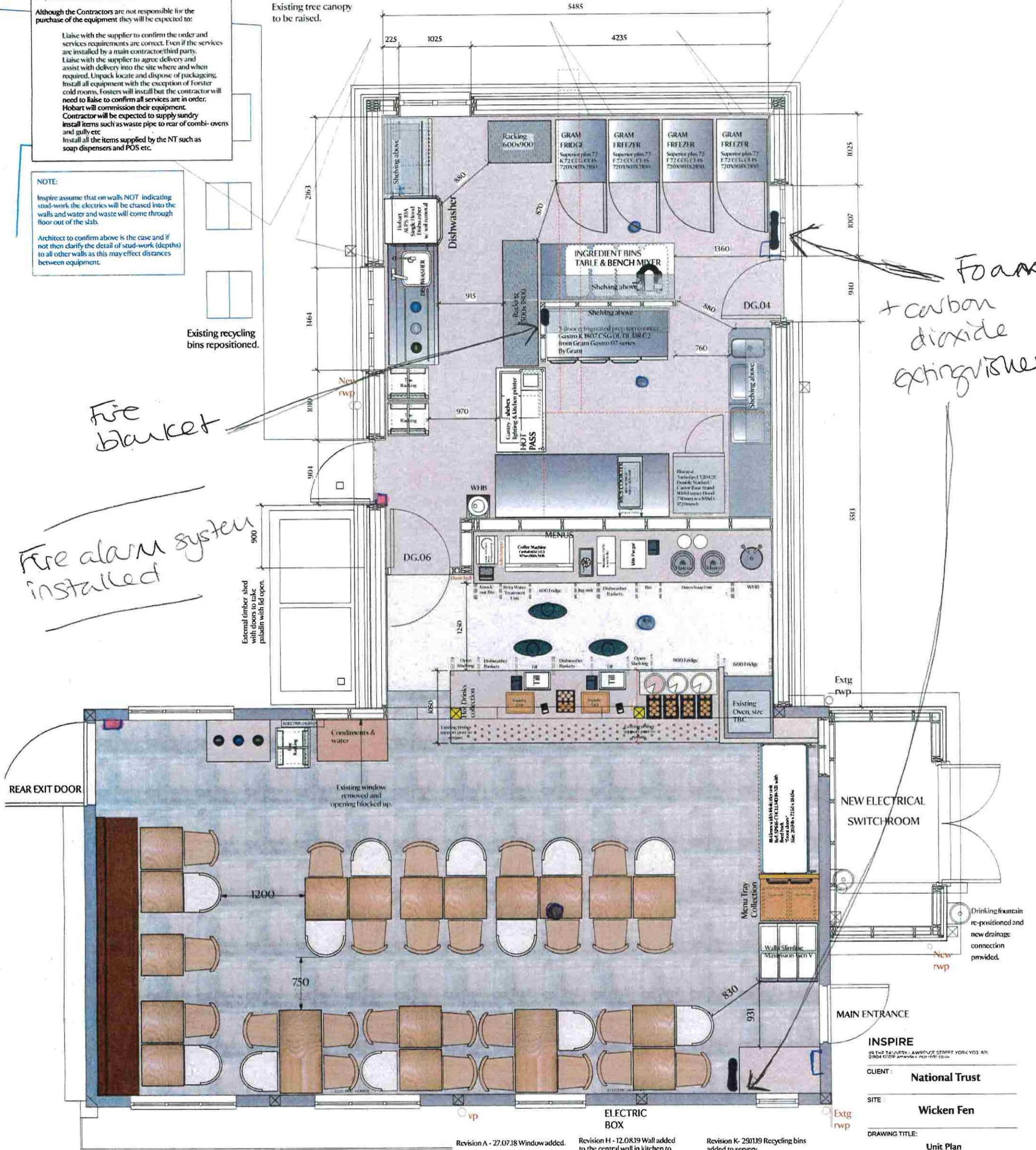
Existing tree canopy to be raised.

Existing recycling bins repositioned.

Fire blanket

Fire alarm system installed

Foam + carbon dioxide extinguishers



Break glass
 Heat Sensor

- Revision A - 27.07.18 Window added.
- Revision B - 03.10.18 Window added. Bin shed added
- Revision C - 12.10.18 Extract added and additional storage
- Revision D - 25.01.19 Amended layout
- Revision E - 17.04.19 Agreed layout dropped onto Carter Jonas' latest plan
- Revision F - 02.08.19 Agreed layout dropped onto Carter Jonas' latest plan. Seating Layout added.
- Revision G - 12.08.19 Wall added to the central wall in kitchen to get power to the hot pass.
- Revision H - 19.08.19 Walls Maximism added. Ice cream unit added. Electrical cupboard and tray racking added to servery. Key for safety floor for kitchen and behind counter added. Notes added regarding contractor on site responsibilities and services through stud-work.
- Revision I - 29.08.19 Seating area updated to furniture specification.
- Revision J - 29.08.19 Recycling bins added to servery. Rear counter updated to new coffee layout. WHB added to prep sinks in kitchen. 2 door prep counter and 30L mixer replaced by 3 door prep counter. Fridge replaced by freezer. Seating updated.

INSPIRE
49 THE TAVERN, LAWRENCE STREET, YORK, YO3 8JN
01904 61009, AMANDA@INSPIRE-INT.CO.UK

CLIENT: **National Trust**

SITE: **Wicken Fen**

DRAWING TITLE: **Unit Plan**

DATE: **July 2018**

SCALE: **1:25 @ A1**

DRAWING BY: **JR**

DRAWING NO: **NT/WICK/01K**

CONTRACTORS MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING ANY WORK FIGURED DIMENSIONS TO TAKE PRECEDENCE OVER SCALED DIMENSIONS. THE COPYRIGHT OF THIS DRAWING IS RESERVED. THE DRAWING MUST NOT BE DISCLOSED WITHOUT ANY AUTHORITY. DO NOT SCALE.

Application to vary a premises licence under the Licensing Act 2003

Case Ref: FS-Case-582109241

Date Submitted:

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form, please read the guidance notes at the end of the form.

Are you completing this form as a an Agent

Agent Details (if applicable)

Name: [REDACTED]

Address: 1 [REDACTED]

Preferred contact method: Email

Email: [REDACTED]

Phone: [REDACTED]

Mobile:

I/We National Trust (Enterprises) Limited being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number 15/00433/LIQ_02

Part 1 - Premises Details

Address: Wicken Fen Nature Reserve Lode Lane, , Wicken, CB7 5XP

Telephone number at premises (if any):

Non-domestic rateable value of premises: 9200.00

Part 2 - Applicant Details

If completed by Applicant:

Name:

Address:

New Address (if required):

Email address:

Phone:

Mobile:

Preferred contact method:

If completed by Agent:

National Trust (Enterprises) Limited

Heelis

Kemble Drive

Swindon

SN2 2NA

Daytime contact telephone number: 01332226198

Part 3 - Variation

Do you want the proposed variation to have effect as soon as possible? Yes

If not, from what date do you want the variation to take effect:

Please describe briefly the nature of the proposed variation

- To amend the licensing plan for the premises in accordance with the plans submitted.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 - Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

A

Plays

Standard days and timings

, ,

Will the performance of a play take place indoors or outdoors or both:

Please give further details

State any seasonal variations for performing plays

Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed above, please list

B

Films

Standard days and timings

, ,

Will the exhibition of films take place indoors or outdoors or both:

Please give further details

State any seasonal variations for the exhibition of films

Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in above, please list

C

Indoor sporting events

Standard days and timings

, ,

Please give further details

State any seasonal variations for indoor sporting events

Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed above, please list

D**Boxing or wrestling entertainments**

Standard days and timings

, ,

Will the boxing or wrestling entertainment take place indoors or outdoors or both:

Please give further details

State any seasonal variations for boxing or wrestling entertainment

Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed above, please list

E**Live music**

Standard days and timings

, ,

Will the performance of live music take place indoors or outdoors or both:

Please give further details

State any seasonal variations for the performance of live music

Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed above, please list

F**Recorded music**

Standard days and timings

, ,

Will the playing of recorded music take place indoors or outdoors or both:

Please give further details

State any seasonal variations for the playing of recorded music

Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed above, please list

G**Performance of dance**

Standard days and timings

, ,

Will the performance of dance take place indoors or outdoors or both:

Please give further details

State any seasonal variations for the performance of dance

Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed above, please list

H**Anything of a similar description to that falling within (e), (f) or (g)**

Standard days and timings

, ,

Please give a description of the type of entertainment you will be providing

Will this entertainment take place indoors or outdoors or both:

Please give further details

State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)

Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed above, please list

I**Late night refreshment**

Standard days and timings

, ,

Will the provision of late night refreshment take place indoors or outdoors or both:

Please give further details

State any seasonal variations for the provision of late night refreshment

Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed above, please list

J**Supply of alcohol**

Standard days and timings

, ,

Will the supply of alcohol be for consumption on the premises, off the premises or both:

State any seasonal variations for the supply of alcohol

Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed above, please list

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

NONE

L**Hours premises are open to the public**

Standard days and timings

Monday, Tuesday, Wednesday, Thursday, Friday, Saturday, Sunday,

00:00,00:00,00:00,00:00,00:00,00:00,00:00,00:00,00:00,00:00,00:00,00:00,00:00,00:00,00:00

State any seasonal variations

AS EXISTING

Non standard timings. Where you intend the premises to be open to the public at different times from those listed above, please list

AS EXISTING

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

sandbox files://65ba3cc732cec659453420, sandbox files://65ba3ccb02f3e262490628, sandbox files://65ba3d230e27b608101946

I have attached the premises licence

Reasons why I have not enclosed the premises licence or relevant part of premises licence

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General - all four licensing objectives (b, c, d & e)

We have considered the impact of the proposed alterations, taking into account the council's licensing policy and the licensing objectives, we do not feel that any adverse impact will be caused, and the premises will continue to operate as per their current operating schedule. The premises is merely seeking this change in order to have more flexibility around hosting events, specifically with respect to events surrounding their 125th anniversary for the site.

Please note that this application may be subject to amendments throughout the application process following agreements with relevant parties.

b) The prevention of crime and disorder

See box A) above.

c) Public safety

See box A) above.

d) The prevention of public nuisance

See box A) above.

e) The protection of children from harm

See box A) above.

Checklist

I have made or enclosed payment of the fee, I have sent copies of this application and the plan to responsible authorities and others where applicable, I understand that I must now advertise by application, I have enclosed the premises licence or relevant part of it or explanation, I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

I declare that the information contained within this form is correct to the best of my knowledge and belief: Yes

Name: [REDACTED] Flint Bishop LLP

Date: 31/01/2024

Capacity: Solicitors for and on behalf of the applicant

Do you wish to use a different address for correspondence: Yes

Correspondence Details

Contact name (if different to above): [REDACTED]

Address: [REDACTED]

Phone: [REDACTED]

Email: [REDACTED]

Fees

Rateable value: Band B: £4,301 to £33,000

Amount Paid: 190 190.00

Payment code: [REDACTED]

[REDACTED]

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

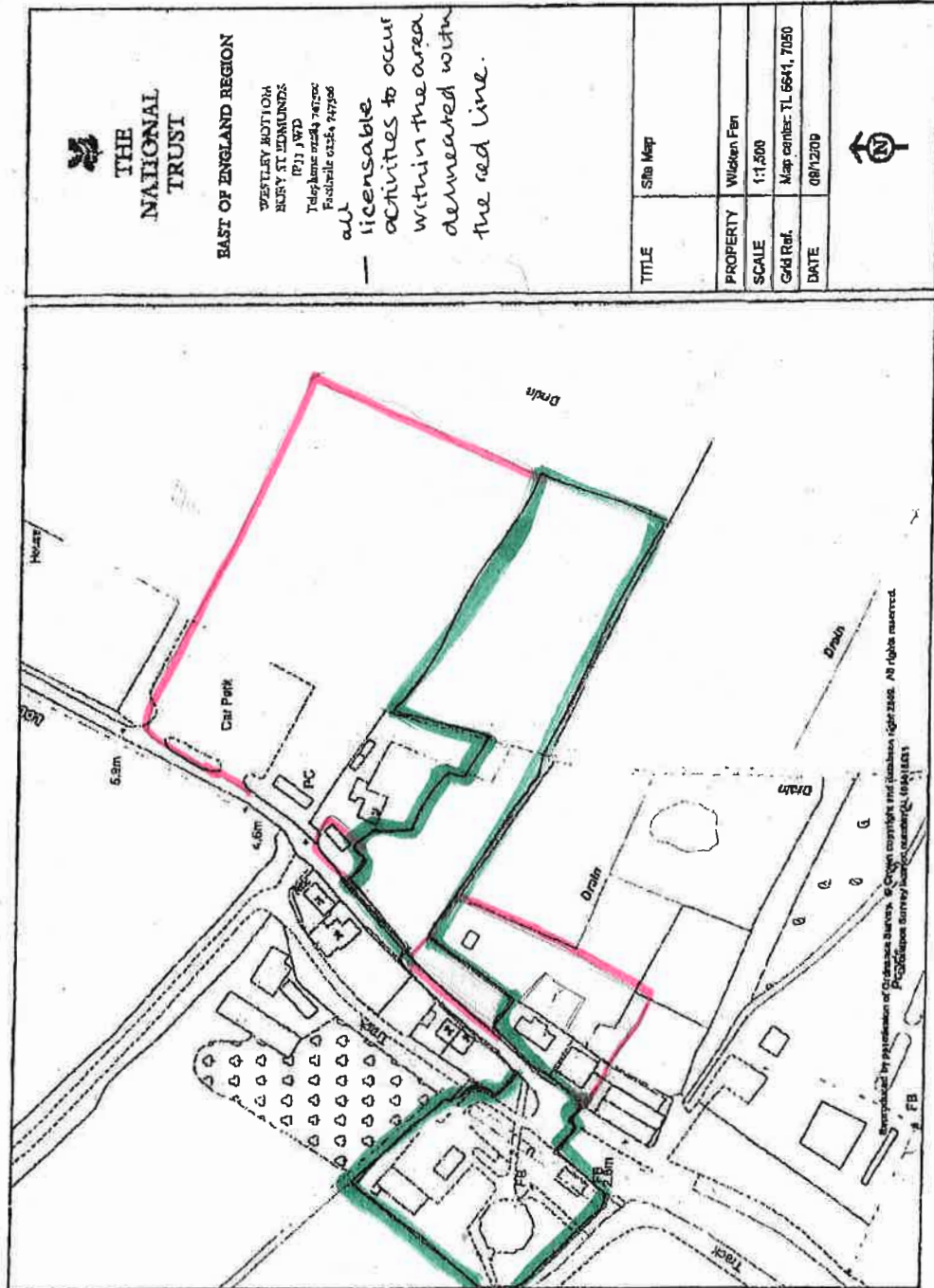
1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises

authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.

- a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
5. For example state type of activity to be authorised, if not already stated, and give relevant

further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 8. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
 9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
 11. Please list here steps you will take to promote all four licensing objectives together.
 12. The application form must be signed.
 13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
 15. This is the address which we shall use to correspond with you about this application.
-
-



THE NATIONAL TRUST

EAST OF ENGLAND REGION

WESTLEY BOTTOM
 BURY ST EDMUNDS
 IP11 1WD
 Telephone 0254 47900
 Facsimile 0254 47706

— all licensable activities to occur within the area demarcated with the red line.

TITLE	Site Map
PROPERTY	Wicken Fen
SCALE	1:1,500
Grid Ref.	Map center: TL 6641, 7050
DATE	08/12/08



Prepared by permission of Gwent County Council. © Crown copyright and database right 2008. All rights reserved.
 PC02/08 (Survey) 10/01/08

Green Current
 Pink extension

Annex 4 – Plans

Key to Flooring	
	Safety floor (on call) - Abrax - Classic 250235 in 3/24 GRH Granite - 2.5mm wear layer - RTI slip res. - Wicketed for 60 - Abrax Contact Tel: 04452 480256
	Concrete Effect Vinyl (Dark Industrial Concrete 9839 by Polyflor R10 slip rating)

Key	Description
	Suspended ceiling - Install Armstrong Paraflex Hygien (ISO 5) or similar installed in accordance with manufacturers instructions.

NOTE:
Although the Contractors are not responsible for the purchase of the equipment they will be expected to:

- 1. Liaise with the supplier to establish the order and service requirements are correct. Even if the services are installed by a trade subcontractor party.
- 2. Liaise with the supplier to agree delivery and receipt with delivery into the site where and when required. The pack size and delivery of packages. Install all equipment with the exception of 1 water cold room. Losses will befall but the contractor will need to liaise to confirm all services are in order. Hobart will commission their equipment. Contractor will be expected to supply any other items such as waste pipe to rear of combi-stoves and public eye. Install all the items supplied by the NT such as soap dispensers and PDS etc.

NOTE:
To pre-approve that all walls, NIT, fireproofing and waste the gables will be chased into the walls and water and waste will come through floor out of the slab.

Architect to confirm above & the case and if not then clarify the details of said work (dependent on all other works on this may affect distances between equipment.

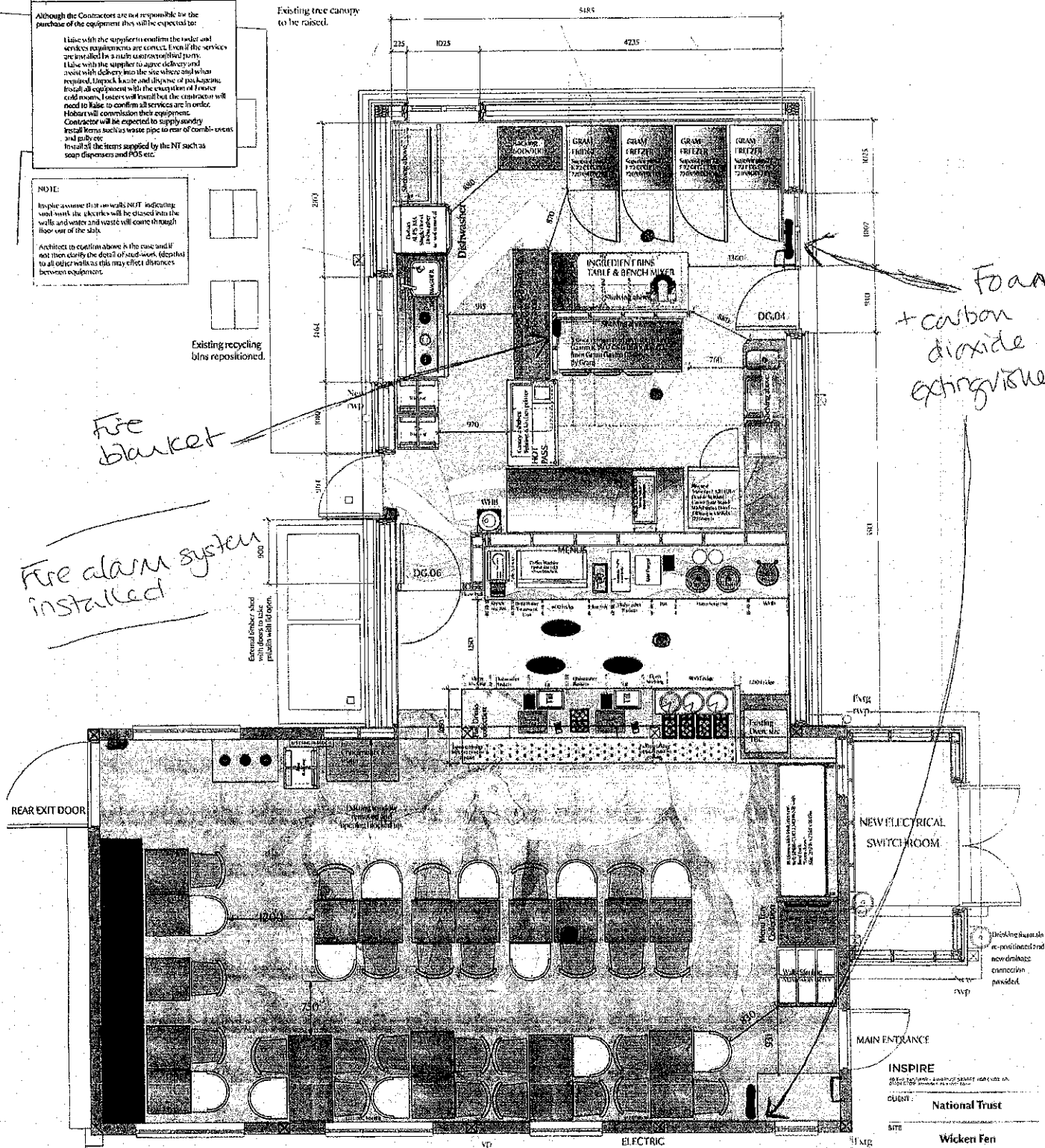
Existing tree canopy to be raised.

Existing recycling bins repositioned.

Fire blanket

Fire alarm system installed

Foam + carbon dioxide extinguishers



Break glass Heat Sensor

Revision A - 27.07.18 Window added.
Revision B - 03.10.18 Window added. Bin sheet added.
Revision C - 12.10.18 Extract added and additional storage.
Revision D - 25.01.19 Amended layout.
Revision E - 29.01.19 Updated layout.
Revision F - 17.04.19 Agreed layout dropped onto Carter Jones' latest plan.
Revision G - 02.08.19 Agreed layout dropped onto Carter Jones' latest plan. Seating Layout added.
Revision H - 12.08.19 Wall added to the central wall in kitchen to get power to the hot pans.
Revision I - 15.08.19 Wall Machine added. Ice cream unit added. Electrical cupboard and tray racking added to servery. Key for safety floor for kitchen and behind counter added. Notes added regarding contractor on site responsibilities and services through site work.
Revision J - 24.08.19 Seating area updated to furniture specification.
Revision K - 29.01.19 Recycling bins added to servery. Recycler updated to new coffee layout. Which added to prep sink in kitchen, 2 door prep cabinet and 20L mixer replaced by 3 door prep counter. Fridge replaced by freezer. Seating updated.

INSPIRE
CLIENT: National Trust
SITE: Wicken Fen
DRAWING TITLE: Unit Plan
DATE: July 2018
SCALE: 1:25 @ A1
DRAWING BY: JR
DRAWING NO: NT\NICK\01K

CONTRACTORS MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING ANY WORK. BEFORE EXTENDING TO TAKE PRICE BIDDERS OVER SCALED DIMENSIONS, THE CONTRACTOR OF THIS DRAWING IS ADVISED THE DRAWING MUST NOT BE DISCLOSED WITHOUT ANY AUTHORITY GOING SCALE.



**THE LICENSING ACT 2003
REPRESENTATION FORM FOR OTHER PERSONS**

An 'other person' is any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates regardless of the geographic proximity to the premises.

Full name	[REDACTED]
Title	[REDACTED]
Postal address (inc post code)	[REDACTED]
Contact telephone number	
Mobile telephone number	
Email address	

Name of premises you are making a representation about	Wicken Fen National Nature Reserve - National Trust
Address of the premises you are making a representation about	Lode Lane, Wicken, Ely, Cambridgeshire CB7 5XP

<p>This section is about your representation which must relate to one or more of the Licensing Objectives. Please detail the evidence supporting your representation under the relevant headings, the reason for raising the representation and include all matters you wish to be considered (use additional sheets if necessary). When considering representations the Licensing Authority may take into account documentary evidence or other information produced by 'other persons' either before the hearing or, with the consent of all parties, at the hearing.</p>	
Which licensing objective(s) does your representation relate to?	Detail the evidence supporting your representation, or the reason(s) for your representation (use additional sheets if necessary)
The prevention of crime and disorder	Public safety

<p>The prevention of public nuisance</p> <p>The extension of the licensed area to include the entirety of the car park is excessive for the stated purpose of siting a small coffee/snack tuk-tuk van. As this application is a permanent extension to the licensed area, it does not preclude larger events then being staged in the future which would be of nuisance to the bordering residential properties. Please see attached additional sheet for more details.</p>	<p>The protection of children from harm</p>
<p>Suggested conditions that could be added to assist the Licensing Authority in determining this application, or other suggestions you would like the Licensing Authority to take into account (use additional sheets if necessary)</p> <p>Reduction of the licensed area requested within the existing car park, to include only the section nearest to the road. Please see attached additional sheet for more details.</p>	

If the Licensing Authority considers that relevant representations have been raised, a mediation meeting between the relevant parties (if all agree) may be arranged to try to reach a settlement. If this informal process is unsuccessful a hearing before the Licensing Sub-Committee will be arranged unless all representations are withdrawn.

All representations in their entirety will be disclosed to the applicant for a premises licence or club premises certificate.

Signed Date 19 February 2024

Please print designation [REDACTED]

Please return this form along with any additional sheets to:

Licensing Team
 Environmental Services
 East Cambridgeshire District Council
 The Grange
 Nutholt Lane
 Ely
 CB7 4EE

Telephone: 01353 665555

Email: licensing@eastcambs.gov.uk

This form must be returned within the statutory period, which is 28 days from the day after the day on which the applicant served the application on the Licensing Authority.

Due to tight timescales involved and to assist the determination of the application process any representations should be forwarded to the Licensing Authority as soon as possible and preferably within 14 days of notification of the application.

If in any doubt, please contact the Licensing Team as above.

REF: Licensing Application 24/00110/LIQ_02 Extension of Licensed area

The National Trust (Enterprises) Limited, Wicken Fen National Nature Reserve

Lode Lane, Wicken, Ely CB7 5XP

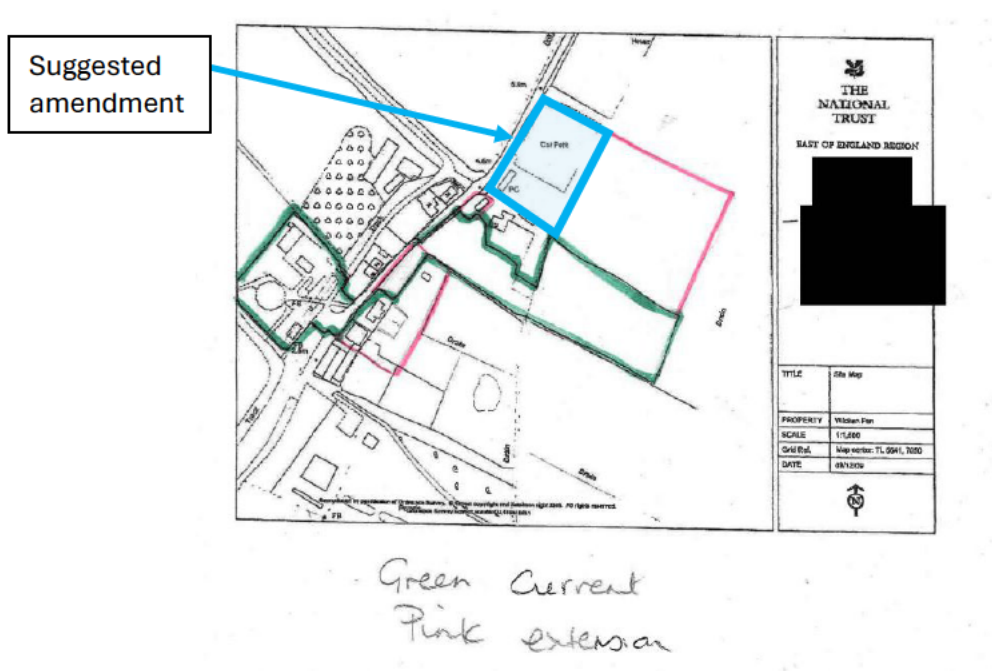
I wish to provide a representation regarding licensing application 24/00110/LIQ_02 and provide further detail to that included on the representation form.

As a neighbour to Wicken Fen, our property abounds the car park. We received notification that the National Trust had applied for a permanent extension to the existing licensed area to support planned events and extra food offerings for their anniversary year. We do not object to this on principle, but the application seeks to include the entirety of the car park area (approximately 7,500 square metres) in this extension.

I have sought clarification regarding this requirement from the National Trust as the plan is to site a small tuk-tuk coffee van in the car park outside of the café's opening hours. We do not object to the van, but do wish to object to the whole car park area being included for this small purpose, for the following reasons:

1. The greatest footfall and better surface of the car park is in the area directly by Lode Lane which would provide sufficient and appropriate space (approximately 1500 square metres) for flexibility in placing the van with regard to car parking and flow.
2. The application is a permanent change to the licensed area which does not preclude future larger events taking place in the car park.
3. The prevailing wind is from the South West, and is naturally effective in carrying noise from the car park towards properties on Back Lane. Any future larger events in the car park would directly cause a nuisance to neighbouring properties.

Our concerns can be addressed by amending the application of the licensed area to include only the section of the car park next to Lode Lane, as shown in blue on the diagram below.



[Redacted]
19 February 2024

