

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

Committee: Licensing (Statutory) Sub-Committee

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**1.0 Issue**

1.1 To determine an application for the grant of a new premises licence in respect of RBF Festivals Limited at part of Harlock’s Farm, Soham Road, Stuntney.

**2.0 Recommendations**

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 Details of the new application

On 28 March 2024 RBF Festivals Limited applied for a Premises Licence under section 17 of the Licensing Act 2003 to licence a piece of land behind the Ben’s Yard premises on Soham Road, Stuntney (**Appendix 1**). The application was served on the responsible authorities and advertised in accordance with the regulations of the Licensing Act 2003.

3.2 The application form states that the applicant intends to use the licence to cover licensable activities at their Cambridge Rock Festival event, which takes place over a four-day period typically held the first weekend in August. To support this the applicant requested the following:

*Table 1*

Licensable Activity	Proposed Hours
Sale by Retail of Alcohol for consumption on the premises	Thursday to Sunday – 11:00 to 23:00
Late Night Refreshment (indoors & outdoors)	Thursday to Sunday – 23:00 to 23:45
Live and Recorded Music (indoors & outdoors)	Thursday – 17:00 to 23:00 Friday to Sunday – 11:00 to 23:00
Opening Hours	Thursday to Sunday – 11:00 to 23:30

3.3 The applicant offered steps that they are willing to take to promote the licensing objectives. These can be found in **Appendix 2** to this report.

- 3.4 The plans of the premises can be found at **Appendix 3**.
- 3.5 An area plan provided by officers can be found at **Appendix 4**.

Relevant Representations

- 3.6 During the consultation period the Licensing Authority received two representations from responsible authorities, namely, Environmental Health – Domestic and Environment Health - Commercial. The full details of these objections can be found at **Appendix 5**.
- 3.7 No representations were received from other persons permitted by the Licensing Act 2003 to submit representations.
- 3.8 At the time of publishing the report all parties were working towards a settlement, but no such agreement had been reached.

**4.0 Arguments/Conclusions**

- 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 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 Additional Implications Assessment

5.1 In the table below, please put Yes or No in each box:

<b>Financial Implications</b>  Yes	<b>Legal Implications</b>  Yes	<b>Human Resources (HR) Implications</b>  No
<b>Equality Impact Assessment (EIA)</b>  No	<b>Carbon Impact Assessment (CIA)</b>  No	<b>Data Protection Impact Assessment (DPIA)</b>  No

### Financial and legal implications

- 5.2 The cost of convening a Licensing (Statutory) Sub-Committee to determine an application is covered by the fees paid by licence applicants.
- 5.3 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.
- 5.4 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 – Operating schedule conditions

Appendix 3 – Premises plan

Appendix 4 – Area plan

Appendix 5 – Objections – Responsible Authorities

Appendix 6 – S182 Statutory Guidance extracts

Appendix 7 – Local Policy extracts

## **7.0 Background documents**

Licensing Act 2003

Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003

ECDC Statement of Licensing Policy 2021