



Minutes of a Meeting of the Licensing (Statutory) Sub-Committee at The Grange, Nutholt Lane, Ely on Wednesday 28th July 2021 at 9:30am.

PRESENT

Councillor Alan Sharp
Councillor Lavinia Edwards
Councillor Alec Jones

OFFICERS

Lin Bagwell – Licensing Officer (Enforcement)
Stewart Broome – Senior Licensing Officer
Maggie Camp – Legal Services Manager
Liz Knox – Environmental Services Manager
Adrian Scaites-Stokes – Democratic Services Officer
Angela Tyrrell – Senior Legal Assistant
Russell Wignall – Legal Assistant

OTHERS PRESENT

Mr Stuart Hatton – Applicant
Danielle Gott – Representative for Objectors Mr & Mrs Gott
5 members of the public

1. ELECTION OF CHAIRMAN

Councillor Alan Sharp was duly nominated as Chairman by Councillor Lavinia Edwards, seconded by Councillor Alec Jones.

It was therefore agreed:

That Councillor Alan Sharp be elected as Chairman of the Licensing (Statutory) Sub-Committee for the municipal year.

2. APOLOGIES AND SUBSTITUTIONS

There were no apologies nor substitutions for this meeting.

3. APPLICATION FOR THE GRANT OF A NEW PREMISES LICENCE – LICENSING ACT 2003

The Sub-Committee considered the report, reference W50 previously circulated to all relevant parties, that set out the submission of an application for the grant of a new premises licence in respect of Horsley Hale Farm, Horsley Hale, Littleport.

Introductions were made for all parties involved in the meeting, including Members, officers, the applicant and objector's representative.

Licensing Officer (Enforcement)'s Report

The Licensing Officer Enforcement reminded the Sub-Committee that the application related to a premises just outside Littleport. The premises already had a business offering short-stay holiday lets and occasionally hosted private events. Since 2017 the premises had obtained 19 temporary event notices and there been no official complaints relating to those events. On 7th June 2021 an application for a premises licence had been served on the local authority and had been advertised. It proposed to convert the business to allow the selling of alcohol and snacks from Mondays to Sundays. Occasional film shows would also be held including alcohol sales. This would be extra to the existing premises licence and private events. They would be held in a temporary marquee and would also include for entertainment and late night refreshments.

During the consultation the Council had received a number of representations objecting to the application, including from the responsible authority, as set out in Appendix 4 to the report. 8 valid objections had been received, though 3 had later been withdrawn, as set out in Appendix 5. Subsequently the Applicant had agreed to conditions proposed by the Senior Licensing Officer.

In considering this application, the Sub-Committee had to determine it with due regard to the Council's licensing objectives, section 102 of the Licensing Act and the Council's licensing policy. It also had to take into account the officer's report, all written evidence and the oral evidence given at this meeting. The Sub-Committee, in making its decision had options to grant the application with conditions, grant with modified conditions but including any mandatory conditions, exclude some licensing activities or reject the application. Any amendments to the proposed conditions should not be made unless they would promote the licensing objectives. Any decision made also had to include the reasons for that decision and balance the rights of the application against the licensing objectives. In addition, sections 1, 6, 8 and 14 of the Human Rights Act should also be given due consideration.

If the decision was to reject the application, the Applicant had the right of appeal, as had any representative, but this must be made within 21 days of the decision being made.

The Chairman asked if anyone present had any questions for the officer. In response to a question from the Sub-Committee, the officer confirmed that since 2017 there had been 19 events held at the premises and they had been served correctly.

Applicant's Submission

The Applicant stated that the main driver for the application was to allow the sale of alcohol to the guests using the current 'glamping' facilities. It made sense to apply for a licence that also covered occasional events. Although on paper this appeared to be a huge adjustment from the current arrangements, it would only be relatively minor. It would give some flexibility as, although most events would be held on Saturdays including weddings, he did not wish to rule out mid-week events.

The intention was to reduce the overall impact, as there would be a reduction in the number of events and weddings would not be hosted from the end of 2022. The 'glamping' business would generate a nice revenue so not so many events would need to be hosted. The films proposed would only be available for overnight guests to attend and only at peak times, with around 1 to 2 per week. Therefore, with fewer people the area would be quieter. The Applicant would be happy to agree to limits on numbers of people. Ideally there would be options for paid bars, up to 15 per year, but the Applicant expected the number to be fewer than that.

In response to the Sub-Committee questions, the Applicant explained that the films would be held in the evening, in a small stable and would be kids' films. Any noise would not be heard by the neighbours. Alcohol could be purchased by the adults, but would only be available for 'glamping' guests, with a maximum number of 30 people. A maximum of 87 people could be accommodated on site, but usually only around a maximum 60 guests would actually attend at any one time. The site was only open between April to October, as it was not suitable for winter events. So there would be no impact from November to March.

The busiest periods were during the school holidays, May half-term, the summer holidays and October half-term. Almost all the 19 events had been weddings with usually between 80 to 150 guests. All those events were licencing activities but there had been around 10 other events held, but without alcohol sales.

The Licensing Officer (Enforcement) explained that no licence would be required if no alcohol was sold unless there was some regulated entertainment. That could include films, sporting events, live or recorded music and dance. The Senior Licensing Officer added that the Licensing Act had removed some activities that needed to be licensed, such as some music and/or dancing events.

The Applicant revealed that he had spoken to the immediate neighbours, who had raised no concerns over noise issues but had complained about traffic matters. The road to the site was considered adequate, though measures had been taken to address any potential issues, for example putting up additional signage and advising guests beforehand. The Applicant was happy to discuss, including any additional measures if needed.

There were no further questions from any of the parties in attendance.

Statement from the Responsible Authority Representative

The Senior Licensing Officer, as the responsible authority's representative, thought the intention of the Applicant was different to how it appeared in the papers. A number of temporary events had been held at the site, but no noise complaints had been received. The scope and technical aspects of the application had caused problems, as there was no definition in the Licensing Act on what constituted 'occasional' events.

The application was so broad it did not address the licensing objectives and only looked at the detrimental effects. If the application just accommodated the people on site then there should be no licensing issues. Any traffic issues had not been considered, as they would not be directly affected by this application.

In response to the application, conditions had been requested, as set out in Appendix 4 to the report, and a number offered. These included: films should only be available for people staying overnight; as this could result in a quasi-cinema, a condition had to be included to clarify this issue; clarification was also needed about late night refreshments, as this should also only relate to people staying on site, as should the sale of alcohol. This last point should stop any off-site sales of alcohol. The number of temporary events should be limited to up to 15 per year and be included in the licence conditions. Imposing clear conditions would clarify all issues.

In reply to the Sub-Committee's query, it was informed that the licence would cover and control all licensing activities. Any planning permission needed would cover all planning issues. In the case where both covered an issue, then either licensing or planning could enforce their own conditions if they were breached.

Objectors' Representative's Statement

The Objectors' Representative stated that the objectors agreed with all the objections raised and these could not sensibly be ignored. The objectors would not want to see the licence approved, even with the suggested conditions. The application was not appropriate or in keeping with the surrounding environment and would have a detrimental impact. It would allow for the same number of occasional events plus an additional 4 safari tents on site. The marquee could accommodate 250 people, though the car park would be inadequate for that number.

The application, if granted, would go beyond the limits that should be allowed, with extra events, noise issues and the tents could be hired out all year round. Why should residents have to deal with that? Paragraph 4.4 of the report highlighted the need to balance the rights of those that would be affected. The application contradicted Articles 1 and 8 of the Human Rights Act and would have no benefit to the neighbours. Issues would arise over the disposal of bottles, music heard

over the fields, lighting issues and people leaving the site in a noisy manner. This would cause stress amongst the neighbours. The current arrangements should remain in place, keeping the site as a campsite. Highways issues should be looked into, as it was a quiet area and the objectors did not want it turned into a town environment.

The Sub-Committee then made a number of queries and the Objectors' Representative revealed that the objectors lived a couple of fields away from the site. They had, and could, put up with the current level of activity but if this was extended then it was a different proposition, potentially 7 days a week. The roadway to the site was a single track only.

The Temporary Event Notices controlled the number of events and made them manageable. This licence application would open up the site to something completely different. Although the objectors wished to support local businesses, there would be nothing under the new licence to limit events beyond the campsite.

The Licensing Officer (Enforcement) explained that the Temporary Event Notices (TENs) were not licences. If they were properly served the responsible authority could negotiate suitable conditions. Conditions could be applied if the TENs were included in the new licence, otherwise they would be unconditioned. The licence would cover the site, including events and associated alcohol sales, and could be transferred intact to any new licence holders. However, a Premises Licence needed a designated person to be appointed to sell alcohol, so any problems would be directed at that person. A change of licence holder would require the licence to be varied to accommodate a new designated person. Any transfer of a licence could be objected to by the Police and the licence could be reviewed. However, notwithstanding this, the Sub-Committee could only determine this application as it stood.

Applicant's Final Statement

The Applicant noted that the objectors could tolerate the current level of events and assured them that any disturbance would be reduced. This was because the intention was to make the site a 'party' venue but less events would be hosted. The Applicant was happy to consult and work with the neighbours, so measures could be put in place to address their concerns. All other matters had been covered, so there was nothing more to add.

Closed Session

The Chairman explained that the Sub-Committee Members plus the Legal Services Manager would be going into a closed session to discuss the evidence and come to its decision and all parties would be notified within 5 days.

The meeting closed at 10:29am.

Appendix

Decision of the Licensing (Statutory) Sub-Committee

East Cambridgeshire District Council Licensing Act 2003

Date of Hearing	Wednesday 28 th July 2021
Members of Sub-Committee	Councillor Alan Sharp (Chairman), Councillor Lavinia Edwards and Councillor Alec Jones
Applicant's Name	Stuart Hatton
Premises Address	Horsley Hale Farm, Horsley Hale, Littleport, Cambs, CB6 1ER
Date of Application	7 th June 2021
DECISION	To grant a licence, subject to the times and conditions submitted as part of the application (contained in the report), amended to reflect the conditions agreed between the applicant and the Licensing Authority in its role as a Responsible Authority, and to include the mandatory conditions all licences are subject to.
REASONS	<p>Having considered all of the available evidence both written and verbal presented by all parties, Members felt that the conditions to be attached to the licence would be effective in extensively limiting the scope of the licence to ensure the venue remains primarily an accommodation facility for camping activities, and that enabling controlled activities to occur upon the premises in accordance with the conditions, would not produce a detrimental impact on the licensing objectives.</p> <p>Members noted that a number of the issues raised were not issues for the Licensing Authority to consider, but actually fell within the scope of Planning.</p>