

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

Committee: Licensing (Statutory) Sub-Committee

Date: Monday 18 July 2022

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[X42]

1.0 PURPOSE/SUMMARY OF REPORT

1.1 To consider and determine an application for the grant of a premises licence in respect of Willow Farm, Pymoor Common, Pymoor, Ely, Cambridgeshire, CB6 2WA.

2.0 RECOMMENDATION(S)

2.1 That Members consider the content of this report and all of the evidence provided during the hearing, and determine the application in accordance with the options contained in paragraph 4.4 of this report.

3.0 BACKGROUND/OPTIONS

Detail of Application

3.1 On 20th May 2022, **Big Sky Venue Limited** applied for a Premises Licence under section 17 of the Licensing Act 2003 for Willow Farm, Pymoor Common, Pymoor, Ely, Cambridgeshire, CB6 2WA. The application was served on the responsible authorities and advertised in accordance with the regulations of the Licensing Act 2003. The full application can be found in **Appendix 1**.

3.2 The applicant seeks to licence an area of land to hold festivals and events for up to 4999 persons, including bespoke and seasonal events.

Activities and times applied for

3.3 The following table sets out the requested activities and timings.

Table 1

Licensable Activity	Proposed Hours
Sale by Retail of Alcohol for consumption on and off the premises	Monday to Sunday 10:00 to 04:00 12 occasions per annum 04:00 to 10:00.

Late Night Refreshment (indoors and outdoors)	Monday to Sunday 23:00 to 04:00 12 occasions per annum 04:00 to 05:00.
Live Music Recorded Music Plays Indoor Sporting Events Boxing and Wrestling Films Performance of Dance Anything similar to Live Music, Recorded Music and Performance of Dance  All of the above indoors and outdoors	Monday to Sunday 10:00 to 04:00 12 occasions per annum 04:00 to 10:00.
Opening Hours	Monday to Sunday 10:00 to 04:30 12 occasions per annum 04:30 to 10:00.

- 3.4 The plans submitted with the application can be found at **Appendix 2**.
- 3.5 Further location maps and site photos provided by Officers can be found in **Appendix 3**.

Licensing Objectives addressed by the Applicant

- 3.6 The applicant has offered the following measures in relation to the four licensing objectives:
  1. The Council's Safety Advisory Group (SAG) and Licensing Authority shall be informed (at least 16 weeks prior to the event, "the notice period" of the intended event date. The event date may be altered, for operational reasons, but only with the approval of the SAG, and the Licensing Authority.
  2. Risk assessments and event documentation forming part of the Event Management Plan shall be supplied to the SAG and the Licensing Authority during the notice period for their consideration.
  3. The event shall be run in accordance with the companies Festival Event Management Plan approved by the Licensing Authority at all times, which shall be deposited with the Licensing Authority for their approval at least fourteen days prior to any event commencing.
  4. Relevant notices will be erected at the entrance to the event including the contact details of the event manager.

5. During periods of regulated entertainment an appointed person is to be made responsible for aurally monitoring noise levels at the boundaries of the site. Appropriate records of these inspections, including the time of the monitoring, and any steps taken to reduce and control noise emissions at that time, if any. Such records to be made available on request from the Local Authority.
6. Any age-related policy required by the Licensing Act 2003 shall make reference to the 'Challenge 25' policy, and that all members of staff shall be trained regarding the sale of alcohol under this policy. All written records of the training will be maintained and be made available for inspection by the police or an authorised officer.
7. A refusal/ due diligence book will be maintained to record any refusal to sell alcohol and kept on site, this will be made available for inspection by the police or an authorised officer.

#### Consultation/Representations

- 3.7 During the 28-day consultation process required by the Licensing Act 2003, the Licensing Authority received the following valid representations:

Table 2

Responsible Authorities:	Police ( <b>Appendix 4</b> )
	Environmental Health ( <b>Appendix 5</b> )
Other Persons objecting:	214 received ( <b>Appendix 6</b> )
Other Persons supporting:	2 received ( <b>Appendix 7</b> )

- 3.7.1 Due to the number of other persons submitting a representation, the main points from each representation have been set out in **Appendix 6** to this report. The full version of the representations will be available on the day of the hearing.
- 3.7.2 A summary of the points raised by those opposing the application are shown in the table below:

Table 3

Concerns over the wide extent of licensing hours requested
The offered conditions do not provide sufficient time
The offered conditions may not be manageable depending upon scale
General traffic management concerns due to location

The site is in a rural location with unsuitable roads and footpaths incapable of dealing with the likely level of activity in the area resulting in public safety concerns.
Accessibility for emergency vehicles
Increased crime and disorder as a result of people drinking and taking drugs
Concerns fire outbreaks may occur due to irresponsible behaviour
General anti-social behaviour from persons attending the events
Littering
Drink driving concerns due to lack of public transport in the area
Noise outbreak from the licensable activities
Light outbreak from licensable activities
General noise nuisance from the site's activities
Protection of children concerns due to associated drug use at festivals and traffic issues
Wildlife concerns due to noise and light pollution
Public safety concerns due to drainage dykes, and loose cattle in fields
Insufficient detail provided in the application to enable due consideration
Insufficient Police resource levels in the district.
Negative impact on nature reserves
Availability of hospitals in the area very poor
The effect on other businesses
Impact on wildlife generally

3.7.3 Points raised to support the application included:

Table 4

Economic benefits to local businesses
Opportunities for local bands
Opportunities for local people to enjoy local events

3.7.4 At the time of writing the report no agreement between any of the parties have been made, and no additional information has been provided from the applicant to address the points raised in the objections.

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 (Appendix 8):

The Licensing Objectives	Section 2 pages 6 to 12
Applications for Premises Licences	Section 8 pages 49 to 62
Determining applications	Section 9 pages 68 to 76
Conditions attached to Premises Licences	Section 10 page 77 to 88
Deregulation of certain entertainment	Section 16 page 123 to 140

4.3 Relevant Local Policy considerations (Appendix 9):

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.

Point of Note - Planning

4.8 Officers of the Licensing Authority believe that the proposed premises do not hold suitable planning permission to cover the nature of the proposed activities, and any use would instead be relying on the temporary use of land for up to 28 days in any calendar year provisions of Part 4 of Schedule 2 of the General Permitted Development Order. The existence or lack thereof of suitable planning permission is not a reason in itself on which to base a decision, but Officers felt it was useful information to include.

5.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

5.1 The cost of convening a Licensing (Statutory) Sub-Committee to determine an application is covered by the fees paid by licence applicants.

- 5.2 Should there be a decision to modify the premises operating schedule, exclude a licensable activity from the scope of the licence, refusal to specify a person as the designated premises supervisor or reject the application, the applicant can appeal to the Magistrates' Court. There will be costs associated with this process. The right of appeal is 21 days from the date of notification of the decision.
- 5.3 Any party who made relevant representations in relation to the application may appeal the decision. There will be costs associated with this process. The right of appeal is 21 days from the date of notification of the decision.
- 5.4 Equality Impact Assessment (EIA) is not required, as this does not relate to a service provided by the Council or a decision on a change of policy, but an application for a licence by an individual/ organisation.

## 7.0 APPENDICES

- 7.1 Appendix 1 – Application Form  
 Appendix 2 – Plans  
 Appendix 3 – Further location plans and images  
 Appendix 4 – Objection – Police  
 Appendix 5 – Objection – Environmental Health  
 Appendix 6 – Objections – Other Persons  
 Appendix 7 – Supporting – Other Persons  
 Appendix 8 – S182 Statutory Guidance extracts  
 Appendix 9 – Local Policy extracts

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<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer</u>
Licensing Act 2003	Room	Stewart Broome
The Licensing Act 2003 (Hearings) Regulations 2005	(Location: i.e. The Grange, Ely	Senior Licensing Officer (01353) 616287 E-mail: stewart.broome@eastcambs.gov.uk

Full copies of the  
representations received