

## **South Cambridgeshire District Council**

Minutes of a meeting of the Licensing (2003 Act) Sub-Committee held on  
Wednesday, 30 March 2022 at 10.00 a.m.

### **1. Appointment of Chair**

Councillor Anna Bradnam was elected as Chair of the sub-committee.

### **2. Introductions / Procedure**

The Chair introduced panel members and officers and explained the procedure for the hearing.

### **3. Declarations of Interest**

Councillor Mark Howell informed the Sub-Committee and the applicant that he was a personal alcohol licence holder.

### **4. Application to vary a premises licence for Duxford Lodge**

**Date of Hearing:** 30 March 2022  
**Applicant:** The Lodge, Duxford  
**Premises Address:** Ickleton Road, Duxford, CB22 4RT  
**Application:** To vary a premises licence

**Those present at the hearing:**  
**Sub-Committee:** Councillor Anna Bradnam (Chair)  
Councillor Geoff Harvey  
Councillor Mark Howell

**SCDC Officers:** Brooke O'Neil, Licensing Technical Officer  
Shirley Tracey, Legal Adviser  
Aaron Clarke, Democratic Services Officer  
Rachel Jackson, Principal Licensing Officer

**Applicant:** Craig Vines  
**Representees:** Mrs Johanne Phillips  
Mr Michael Wright  
Mr Tim McMahon – attended online

### **The application**

On 31 January 2022, an application to vary a premises licence for The Lodge, Duxford, Ickleton Road, Duxford, CB22 4RT was submitted to the Licensing Authority, advertised and consulted upon.

## Requested activities

The proposed application seeks to carry out the following activities:

### Supply of Alcohol

For consumption on and off the premises.  
Hours for the outdoor bar to finish at 23:00 on all days.

Monday – 11:00 – 23:00  
Thursday

Friday 11:00 – 00:00

Saturday 10:00 – 00:00

Sunday 10:00 – 23:00

Non-standard timings:  
New Year's Eve – until 1am.

### Provision of recorded music Indoors & Outdoors

Outside area ambient music not to start prior to 09:00 and to finish by 23:00.

Monday - 07:00 - 00:00  
Thursday

Friday & Saturday 07:00 – 00:30

Sunday 07:00 - 00:00

Non-Standard Timings:  
New Year's Eve – until 1am

### Provision of live music Indoors & Outdoors

Timings for outside area to be limited to 22:00.

Monday – 12:00 – 00:00  
Saturday

Sunday 12:00 – 22:00

Non-standard timings:  
New Year's Eve – until 1am.

### Late night refreshment

Hours for outdoor bar to finish at 23:00 on all days.

Friday & Saturday 23:00 – 00:00

Non-Standard Timings:  
New Year's Eve – until 1am

Last food order at 21:00, to be amended to read "last table to be seated at 21:00".

## Background

The application was advertised in the Cambridge News on 11 February 2022, and the site notice displayed on the premises as required.

Environmental Health requested that the following conditions be added to any licence that may be granted:

- I. All windows and external doors to the premises shall be closed at all times during regulated entertainment after 2300 except for ingress, egress or in the case of an emergency.

- II. No alcohol shall be permitted in the external areas of the premises after 2300 Monday to Saturday and 2230 on Sunday, except New Year where this can be extended until 0030.
- III. Live and/or recorded music constituting regulated entertainment shall not be permitted in the external areas of the premises after 2300 on any day except New Year where this can be extended until 0030.
- IV. A suitable environmental noise control device shall be installed in the premises, calibrated and set to the satisfaction of the Council's Noise Control Officer. The device must be set at an appropriate time in the presence of the aforementioned Officer.
  - (a) Once the environmental noise control device has been installed, calibrated and set to the satisfaction of the Council's Noise Control Officer it must not be removed, adjusted or replaced:
    - i) without twenty-eight (28) days prior notification to the Council's Noise Control Officer and;
    - ii) without the written consent that the removal, adjustment or replacement of the device is permitted and that documentation stating this is received from the Council's Noise Control Officer.
  - (b) Following the receipt of the documentation stated above, all the requirements of the Council's Noise Control Officer must be carried out. Use of all noise equipment for amplified live or recorded music constituting regulated entertainment taking place inside the premises is not permitted until such a time that the premises licence holder has received confirmation from the Council's Noise Control Officer that it is permitted.
  - (c) In the event of a malfunction of the environmental noise control device, the Council's Noise Control Officer shall be notified within two (2) working days of the problem and the remedial action proposed. No amplified live or recorded music constituting regulated entertainment shall take place until the environmental noise control device is properly functioning and, if appropriate, has been reset, calibrated and set to the satisfaction of the Council's Noise Control Officer and/or the Council's Noise Control Officer has received and approved the necessary documentation confirming this.
  - (d) The environmental noise control device shall be secured in a manner approved by the Council's Noise Control Officer so as to prevent unauthorised access to and tampering with the controls.
  - (e) All noise equipment used for amplified live and recorded music **constituting regulated entertainment** must be routed through the environmental noise control device and this device must be operational during such licensable activities.

The applicant accepted the conditions.

There were no responses from other Responsible Authorities.

### **Relevant representations**

Representations had been received from Duxford Parish Council and local residents. As part of the application process the applicant had been made aware of the representations and given opportunity to respond.

As part of the hearing, residents attended both in person and online. One resident also submitted a video, taken at 21:00 from within the premises, as part of their representation, this was played to all those present during the hearing. One resident played for the hearing a recording taken from his front door at 20:00

## **Observations**

The panel heard representations from the applicant who explained the nature of the business. It was noted that under the existing conditions of the licence, The Lodge, Duxford was unable to play live music after 21:30 but this condition should not have been applied in September 2020 as under the Live Music Act 2012, licensed premises can play live music until 23:00.

The applicant had requested for the operation of the outside bar and live music to be extended from 21:30 to 23:00. The panel heard from residents that the outdoor bar was on the boundary of the residential areas. Representations from local residents indicated that there had been persistent noise issues and alleged that the business was not turning off its music at the conditioned time of 21:30. Other representations outlined that the DJ and bar was positioned near the boundary walls of their property causing significant noise, despite the speakers pointing away from the wall and back into the hotel area. Environmental Health confirmed that the premises had not been established as a persistent nuisance.

The panel noted that the lack of parking on-site had caused noise to spill out onto the local roads as customers leave the venue and go back to their cars parked on the street.

It was explained to the panel that the garden of The Lodge, Duxford had been increasingly paved and that had increased the reflection of sound into neighbouring properties on Markby Close.

The applicant accepted that where the business has a Temporary Event Notice for events such as New Year's Eve, that The Lodge should notify neighbours of the details of the Temporary Event Notice. The panel noted from officers that the Council usually publishes such notices online but that this had been unavailable in recent months due to a change of system.

## **Decision**

Taking all the above into account the Sub-Committee **agreed** to grant the variation of the Premises Licence, subject to the hours of operation below.

### Supply of Alcohol

For consumption on and off the premises.

Hours for the outdoor bar to finish at 22:00 on all days.

Monday – 11:00 – 23:00  
Thursday

Friday 11:00 – 00:00

Saturday 10:00 – 00:00

Sunday 10:00 – 23:00

Non-standard timings:

New Year's Eve – until 1am.

### Provision of recorded music Indoors & Outdoors

Outside area ambient music not to start prior to 09:00 and to finish by 23:00.

Monday - 07:00 - 23:00  
Thursday

Friday & 07:00 – 23:00  
Saturday

Sunday 07:00 - 23:00

Non-Standard Timings:

New Year's Eve – until 1am

### Provision of live music Indoors

Monday – 12:00 – 00:00  
Saturday

Sunday 12:00 – 22:00

Non-standard timings:

New Year's Eve – until 1am.

Provision of live music outdoors to end at 23:00 hours.

Last food order at 21:00 to be retained.

### Conditions

The following conditions to be enforced on the licence as per the recommendations of the Environmental Health Officer:

- I. All windows and external doors to the premises shall be closed at all times during regulated entertainment after 2300 except for ingress, egress or in the case of an emergency.
- II. No alcohol shall be permitted in the external areas of the premises after 2300 Monday to Saturday and 2230 on Sunday, except New Year where this can be extended until 0030.
- III. Live and/or recorded music constituting regulated entertainment shall not be permitted in the external areas of the premises after 2300 on any day except New Year where this can be extended until 0030.

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- (a) Once the environmental noise control device has been installed, calibrated and set to the satisfaction of the Council's Noise Control Officer it must not be removed, adjusted or replaced:
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    - ii) without the written consent that the removal, adjustment or replacement of the device is permitted and that documentation stating this is received from the Council's Noise Control Officer.
  - (b) Following the receipt of the documentation stated above, all the requirements of the Council's Noise Control Officer must be carried out. Use of all noise equipment for amplified live or recorded music constituting regulated entertainment taking place inside the premises is not permitted until such a time that the premises licence holder has received confirmation from the Council's Noise Control Officer that it is permitted.
  - (c) In the event of a malfunction of the environmental noise control device, the Council's Noise Control Officer shall be notified within two (2) working days of the problem and the remedial action proposed. No amplified live or recorded music constituting regulated entertainment shall take place until the environmental noise control device is properly functioning and, if appropriate, has been reset, calibrated and set to the satisfaction of the Council's Noise Control Officer and/or the Council's Noise Control Officer has received and approved the necessary documentation confirming this.
  - (d) The environmental noise control device shall be secured in a manner approved by the Council's Noise Control Officer so as to prevent unauthorised access to and tampering with the controls.
  - (e) All noise equipment used for amplified live and recorded music **constituting regulated entertainment** must be routed through the environmental noise control device and this device must be operational during such licensable activities.

All other annexes (1-21) of the previous licence, not specifically varied by this decision notice, should be carried over to the new licence.

## Reasons

- In order to promote the Licensing objectives, with particular regard to the prevention of public nuisance.
- To enable the incorporation of the Environmental Health Officer's recommendations for sound monitoring into the licence.
- To minimise the impact of reflective noise.
- It was necessary to correct an error with the previous licence with regards to the provision of live music, which is permitted until 23:00 under the Live Music Act 2012.

The panel was disappointed that the applicant did not initially appear to appreciate his responsibilities towards the local community.

The applicant has a right of appeal against the decision to impose conditions on the licence to the Cambridge Magistrates' Court within 21 days of receiving notification of this decision.

Any objector has a right of appeal against the decision to grant the licence or that, on granting the licence, the licensing authority ought to have imposed different or additional condition on the licence to the Cambridge Magistrates' Court within 21 days of receiving notification of this decision.

Signed:

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Councillor Anna Bradnam (Chair)

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Councillor Geoff Harvey

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Councillor Mark Howell

Dated: 30 March 2022