



Report to:	Licensing Sub-Committee (Licensing Act 2003) 30 March 2022
Lead Cabinet Member:	Brian Milnes
Lead Officer:	Bode Esan

Application for a Variation to a Premises Licence: The Lodge, Duxford, Ickleton Road, Duxford, CB22 4RT.

Executive Summary

1. The Committee is asked to determine an application for a variation to a Premises Licence under section 17 and 18 of the Licensing Act 2003, which has been subject to representation from local residents and Duxford Parish Council.

Recommendations

2. It is recommended that the Committee determine the application for variation to a premises licence at a hearing pursuant to section 18(3) Licensing Act 2003.
3. The Council, the applicant and all persons who made valid representations may agree to dispense with the hearing provided notice is given in accordance with The Licensing Act 2003 (Hearings) Regulations 2005 regulation 9.

Details

4. 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, and advertised and consulted upon.
5. The application is to permit:

The supply of alcohol for consumption on and off the premises

Monday to Thursday: 11:00 – 23:00

Friday: 11:00 – 00:00

Saturday: 10:00 – 00:00

Sunday: 10:00 – 23:00

(Hours for the outdoor bar to finish at 23:00 on all days)

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

The provision of recorded music (Indoors & Outdoors)

Monday to Thursday: 07:00 – 00:00

Friday and Saturday: 07:00 – 00:30

Sunday: 07:00 – 00:00

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

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

The provision of Live Music (Indoors & Outdoors)

Monday to Saturday: 12:00 – 00:00

Sunday: 12:00 – 22:00

(Timings for outside area are to be limited to 10pm)

Sunday hours where the following Monday is a bank holiday will be as per Saturday.

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

Late Night Refreshment

Friday and Saturday: 23:00 – 00:00

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

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

The application also states to change the following additional conditions:

Limitation on use of the outside bar to extend the hours from 21:30 to 23:00

Last food order at 21:00 – to amend to read “last table to be seated at 21:00”

6. The application form is attached as Appendix A, and a location plan attached as Appendix B.
7. The current licence is attached as Appendix C.
8. The application was advertised in the Cambridge News on 11 February 2022, and the site notice displayed on the premises as required.
9. Environmental Health requested that the following conditions be added to any licence that may be granted:
 - 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.
 - 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.

- 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.
- 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 has accepted the above conditions.

10. There were no responses from other Responsible Authorities.

11. Representations have been received from Duxford Parish Council and local residents. The red squares on Appendix C show where the representations were made in relation to the premises.

12. The redacted representations are attached as Appendix D (1-20).

13. There are no policy presumptions within the Council's Statement of Licensing policy, against the variation of the licence unless it can be shown that the application would undermine or prejudice the licensing objectives.

Options

14. The Sub-Committee in determining the application will consider the steps set out in section 18(4) Licensing Act 2003.

15. The Sub-Committee will decide whether to grant the licence (imposing all mandatory conditions) in the terms set out in the application or take any of the following steps before granting the licence:

- a. modify and grant the licence with such conditions it considers required for the promotion of the licensing objectives, which can include granting the licence subject to different conditions in respect of different parts of the premises or different licensable activities;
- b. grant the licence in different terms by excluding from the scope of the licence any of the licensable activities to which the application relates;
- c. refuse to specify the person nominated in the licence as the premises supervisor and require a different person be so nominated and accepted by the Sub-Committee before granting the licence;
- d. reject the application entirely.

16. The Sub-Committee must give the reasons for the decision.

Implications

17. In the writing of this report, taking into account financial, legal, staffing, risk, equality and diversity, climate change, and any other key issues, the following implications have been considered:-

Legal

18. The Council, the applicant and all persons who made valid representations may agree to dispense with the hearing provided notice is given in accordance with The Licensing Act 2003 (Hearings) Regulations 2005 regulations.

19. When determining applications, the Sub-Committee recognises the Council as the licensing authority is required to carry out its functions with a view to promoting the licensing objectives;

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

20. In considering the licensing objections the Council must have regard to its statement of Licensing Policy, and to the statutory guidance (Revised Guidance April 2018) issued under section 182 Licensing Act 2003. The application process is considered at section 8 of that Guidance. The procedure and information on hearings starts at 9.31 of that Guidance.

21. Any party aggrieved by the decision of the Sub-Committee has the right of appeal to the Magistrates' Court.

Risks/Opportunities

22. The decision creates no additional risks or opportunities in the context of the Council's risk management.

Background Papers

South Cambridge Council Statement of Licensing Policy (Licensing Act 2003)
<https://www.scambs.gov.uk/licensing/beer-and-ale-premises/premises-and-club-licences/>

Guidance Issued under Section 182 of the Licensing Act 2003 (**Revised guidance issued under section 182 of Licensing Act 2003 - GOV.UK (www.gov.uk)**)

Licensing Act 2003 **Licensing Act 2003 (legislation.gov.uk)**

The Licensing Act 2003 (Hearings) Regulations 2005 **The Licensing Act 2003 (Hearings) Regulations 2005 (legislation.gov.uk)**

Appendices

Appendix A: Copy of Application form
Appendix B: Location plan
Appendix C: Copy of the current Premises licence
Appendix D (1-20): Copy of representations

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