

## LICENSING (2003 ACT) SUB-COMMITTEE

TUESDAY, 20 APRIL 2010

### DECISIONS

Set out below is a summary of the decisions taken at the meeting of the Licensing (2003 Act) Sub-Committee held on Tuesday, 20 April 2010. The wording used does not necessarily reflect the actual wording that will appear in the minutes.

If you have any queries about any matters referred to in this decision sheet please contact Maggie Jennings.

**4. APPLICATION FOR PREMISES LICENCE, SECRET GARDEN MARQUEE, BURWASH MANOR, NEW ROAD, BARTON**

Hours Sought		Decision (e.g. approve, modify or exclude)	Reason
<b>A - Plays Both Indoors and Outdoors</b>		Withdrawn by the applicant at the hearing	
<b>Monday</b>	16:00 – 24:00		
<b>Tuesday</b>	16:00 – 24:00		
<b>Wednesday</b>	16:00 – 24:00		
<b>Thursday</b>	16:00 – 24:00		
<b>Friday</b>	16:00 – 24:00		
<b>Saturday</b>	16:00 – 24:00		
<b>Sunday</b>	16:00 – 24:00		

Hours Sought		Decision (e.g. approve, modify or exclude)	Reason
<b>B - Films Both Indoors and Outdoors</b>		Withdrawn by the applicant at the hearing	
<b>Monday</b>	16:00 – 24:00		
<b>Tuesday</b>	16:00 – 24:00		
<b>Wednesday</b>	16:00 – 24:00		
<b>Thursday</b>	16:00 – 24:00		
<b>Friday</b>	16:00 – 24:00		
<b>Saturday</b>	16:00 – 24:00		
<b>Sunday</b>	16:00 – 24:00		

Hours Sought		Decision (e.g. approve, modify or exclude)	Reason
<b>E - Live Music Both Indoors and Outdoors</b>		Modified: Monday to Friday 10:00- 22:00 Saturday 10:00-23:00 Sunday 10:00-22:00  Outdoor events to be unamplified	To prevent public nuisance
<b>Monday</b>	10:00 – 24:00		
<b>Tuesday</b>	10:00 – 24:00		
<b>Wednesday</b>	10:00 – 24:00		
<b>Thursday</b>	10:00 – 24:00		
<b>Friday</b>	10:00 – 24:00		
<b>Saturday</b>	10:00 – 24:00		
<b>Sunday</b>	10:00 – 24:00		

Hours Sought		Decision (e.g. approve, modify or exclude)	Reason
<b>F - Recorded Music Both Indoors and Outdoors</b>		Modified: Monday to Friday 10:00-22:00 Saturday 10:00-23:00 Sunday 10:00-22:00  Indoors only, as agreed by the applicant at the hearing	To prevent public nuisance
Monday	10:00 – 24:00		
Tuesday	10:00 – 24:00		
Wednesday	10:00 – 24:00		
Thursday	10:00 – 24:00		
Friday	10:00 – 24:00		
Saturday	10:00 – 24:00		
Sunday	10:00 – 24:00		

Hours Sought		Decision (e.g. approve, modify or exclude)	Reason
<b>G - Performances of Dance Both Indoors and Outdoors</b>		Withdrawn by the applicant at the hearing	
Monday	16:00 – 24:00		
Tuesday	16:00 – 24:00		
Wednesday	16:00 – 24:00		
Thursday	16:00 – 24:00		
Friday	16:00 – 24:00		
Saturday	16:00 – 24:00		
Sunday	16:00 – 24:00		

Hours Sought		Decision (e.g. approve, modify or exclude)	Reason
<b>H - Anything of a similar description to Live, Recorded Music or Performances of Dance Both Indoors and Outdoors</b>		Modified: Monday to Friday 10:00-22:00 Saturday 10:00-23:00 Sunday 10:00-22:00  Outdoor events to be unamplified	To prevent public nuisance
Monday	12:00 – 24:00		
Tuesday	12:00 – 24:00		
Wednesday	12:00 – 24:00		
Thursday	12:00 – 24:00		
Friday	12:00 – 24:00		
Saturday	12:00 – 24:00		
Sunday	12:00 – 24:00		

Hours Sought		Decision (e.g. approve, modify or exclude)	Reason
<b>J - Provision of Facilities for Dancing Both Indoors and Outdoors</b>		Modified: Monday to Friday 10:00-22:00 Saturday 10:00-23:00 Sunday 10:00-22:00  Indoors only, as agreed by the applicant at the hearing	To prevent public nuisance
Monday	12:00 – 24:00		
Tuesday	12:00 – 24:00		
Wednesday	12:00 – 24:00		
Thursday	12:00 – 24:00		
Friday	12:00 – 24:00		
Saturday	12:00 – 24:00		
Sunday	12:00 – 24:00		

Hours Sought		Decision (e.g. approve, modify or exclude)	Reason
<b>K - Provision of Facilities for entertainment of a similar description to that falling within I or J above Both Indoors and Outdoors</b>		Withdrawn by the applicant at the hearing	
Monday	12:00 – 24:00		
Tuesday	12:00 – 24:00		
Wednesday	12:00 – 24:00		
Thursday	12:00 – 24:00		
Friday	12:00 – 24:00		
Saturday	12:00 – 24:00		
Sunday	12:00 – 24:00		

Hours Sought		Decision (e.g. approve, modify or exclude)	Reason
<b>L - Late Night Refreshment Both Indoors and Outdoors</b>		Monday-Friday – Refused Sunday – Refused	To prevent public nuisance
Monday	23:00-01:00	Modified: Saturday 23:00-00:00	
Tuesday	23:00-01:00		
Wednesday	23:00-01:00		
Thursday	23:00-01:00		
Friday	23:00-01:00		
Saturday	23:00-01:00		
Sunday	23:00-01:00		

Hours Sought		Decision (e.g. approve, modify or exclude)	Reason
<b>M - Supply of Alcohol On the Premises only</b>		Modified: Monday-Friday 10:00-22:30 Saturday 10:00-23:30 Sunday 10:00-22:30  The applicant proposed 10:00-00:00 at the hearing.	To prevent public nuisance
Monday	10:00 – 00:30		
Tuesday	10:00 – 00:30		
Wednesday	10:00 – 00:30		
Thursday	10:00 – 00:30		
Friday	10:00 – 00:30		
Saturday	10:00 – 00:30		
Sunday	10:00 – 00:30		

Hours Sought		Decision (e.g. approve, modify or exclude)	Reason
<b>O - Hours premises are open to the public</b>		Modified: Monday-Friday 08:00-23:30 Saturday 08:00-00:30 Sunday 08:00-23:30  The applicant proposed 08:00-01:00 at the hearing	To prevent public nuisance
Monday	08:00 – 02:00		
Tuesday	08:00 – 02:00		
Wednesday	08:00 – 02:00		
Thursday	08:00 – 02:00		
Friday	08:00 – 02:00		
Saturday	08:00 – 02:00		
Sunday	08:00 – 02:00		

The Panel has considered the application very carefully and had due regard to the Licensing Act 2003, the accompanying Guidance and Regulations and the SCDC Licensing Policy.

The Panel heard the evidence of the applicant and his wife and from one of the Council's Environmental Health Officers as well as several other representees. All the representations heard concerned the issue of perceived public nuisance.

The panel heard from the applicant concerning new proposals for sound limiting equipment and for acoustic improvements to the marquee; he handed over an e-mail dated 7pm the previous evening, which described how such a system might work. The e-mail was copied and made available to all those present at the hearing. On the evidence presented, the panel was unable to form a definite view that this system would be effective. The applicant also explained that in any event live bands would not make use of such sound limiting equipment.

The Panel also heard from the Council's Environmental Health Officer who produced a written report following the conclusion of the hearing and the main recommendation of that report is imposed as a condition on the applicant.

In reaching its conclusions, the Panel has tried to balance the wishes of the applicant to pursue his business with the expectations of local residents to peaceful enjoyment of their homes and gardens.

The Sub-Committee **APPROVED** the application for up to 6 events per calendar year with modifications as stated in the operating schedule, together with the following conditions:

- (a) The level of noise emitted from music, whether recorded or live, at the marquee at Burwash Manor Farm shall not exceed 45 db LAeq, 15 minute measured at a point 20 feet to the right of the wooden seat near 43 New Road, Barton, or as measured 3 metres from the nearest elevations of any dwelling. Noise from events shall be free from any distinct impulse at the monitoring location.
- (b) A complaints log shall be kept and be open for inspection by the Licensing Officer.
- (c) Prominent, clear and legible notices shall be displayed on the premises at all exits and in the lavatories, requesting patrons to respect the needs of local residents and to leave the premises and the area quietly.
- (d) A mobile phone number shall be made available for the purposes of reporting complaints; this phone will be held by whoever is responsible for the event on site.
- (e) All events shall be notified in advance to properties in Kings Grove, Mailes Close, New Road and Allens Close. The notification shall include a contact name and mobile telephone number for each event.

Interested parties and responsible authorities may apply for a review of the licence on a ground relating to one or more of the licensing objectives should there be any relevant issues arising from the operation of the premises licence at any stage in the future. The four licensing objectives are: the Prevention of Crime and Disorder; Prevention of Public Nuisance; Public Safety and Protection of Children from Harm.

The applicant and objectors have a right of appeal to the Cambridge Magistrates' Court within 21 days of receiving notification of this decision.

Signed: .....  
Councillor A Riley (Chairman)  
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Councillor RE Barrett  
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Councillor M Loynes

Dated: 20 April 2010