



<b>Report to:</b>	Licensing Sub-Committee (Licensing Act 2003)
<b>Lead Cabinet Member:</b>	Cllr Henry Batchelor
<b>Lead Officer:</b>	Natasha Wade-Guest

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## Application for the Grant of a Premises Licence:

### Land to the South of Childerley Farm known as Childerley Orchard, Childerley, Cambridgeshire

#### Executive Summary

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

#### Recommendations

2. It is recommended that the Committee determine the application for the grant of 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 24 October 2023, an application for the grant of a premises licence for Land to the South of Childerley Farm known as Childerley Orchard, Childerley, Cambridgeshire was submitted to the Licensing Authority by S&C Productions Ltd and advertised and consulted upon.
5. The licensable activities proposed under the authorisation of a Premises Licence are as follows:
  - **Hours Open to the Public**  
Monday to Sunday: 00:00 – 00:00
  - **Supply of Alcohol**  
The sale by retail of alcohol for consumption on the premises.  
Monday to Thursday: 12:00 – 22:30  
Friday: 12:00 – 02:30  
Saturday: 11:00 – 02:30  
Sunday: 11:00 – 00:00

- **Late Night Refreshment (indoors and outdoors)**  
Monday to Thursday: 23:00 – 00:00  
Friday to Sunday: 23:00 – 03:30
- **Provision of Live Music (indoors and outdoors)**  
Monday to Thursday: 11:00 – 23:00  
Friday: 10:00 – 03:00  
Saturday: 11:00 – 03:00  
Sunday: 11:00 – 00:30
- **Provision of Recorded Music (indoors and outdoors)**  
Monday to Thursday: 11:00 – 23:00  
Friday: 10:00 – 03:00  
Saturday: 11:00 – 03:00  
Sunday: 11:00 – 00:30
- **Provision of films (indoors and outdoors)**  
Monday to Thursday: 11:00 – 23:00  
Friday: 10:00 – 03:00  
Saturday: 11:00 – 03:00  
Sunday: 11:00 – 00:30
- **Provision of plays (indoors and outdoors)**  
Monday to Thursday: 11:00 – 23:00  
Friday: 10:00 – 03:00  
Saturday: 11:00 – 03:00  
Sunday: 11:00 – 00:30
- **Provision of performances of dance (indoors and outdoors)**  
Monday to Thursday: 11:00 – 23:00  
Friday: 10:00 – 03:00  
Saturday: 11:00 – 03:00  
Sunday: 11:00 – 00:30
- **Provision of anything of a similar description to live music, recorded music or performances of a dance (indoors and outdoors)**  
Monday to Thursday: 11:00 – 23:00  
Friday: 10:00 – 03:00  
Saturday: 11:00 – 03:00  
Sunday: 11:00 – 00:30

The premises licence is to operate for up to eight days each calendar year between 1 May and 30 September annually. Live and recorded music constituting regulated entertainment shall take place no more than 4 consecutive event days. Where the fourth and final event day concludes after midnight, live and recorded music shall be permitted until the end time stated on the premises licence for that given day of the week.

Notice of the proposed event days for that year will be provided by the Premises Licence Holder to the Licensing Authority and Responsible Authorities at least 6 months prior to the first event day or such lesser period as the Licensing Authority may deem reasonable in the circumstances.

6. The application form is attached as **Appendix A**, the plan of the premises is attached as **Appendix B** and a draft Event Management Plan is attached as **Appendix C**.
7. The applicant does currently hold a premises licence SDCDCPL0549 for Childerley Orchard attached as **Appendix I**. If this application is granted, a decision will be made by the applicant regarding surrendering the existing licence.
8. A statutory 28-day consultation period started on 25 October 2023 and ended on 22 November 2023. This enabled Responsible Authorities and 'Other Persons' to make representations towards the application. 'Other Persons' includes any individual, body or business whether or not they live in the vicinity.
9. The application was advertised in the Cambridge News on 31 October 2023 and the site notice displayed on the premises as required. A copy of the advertisement, blue notice, and map detailing where the notices were displayed (indicated by red dots) is attached as **Appendix D**.
10. Trading Standards have no objection to the application. A copy of their response is attached at **Appendix E**.
11. The Environmental Health Officer has confirmed that complaints were received due to events held in the past two years however, following discussions with the applicant they have included some agreed conditions within their application. Environmental Health have no objection to the application.
12. There were no responses from other Responsible Authorities.
13. Representations have been received from Caldecote Parish Council (attached as **Appendix F1**) and eleven residents (attached as **Appendices F2-F12**).
14. A location plan indicating the location of the residents who submitted representations is attached as **Appendix G**.
15. There were two further representations received from residents, one which was rejected as it did not relate to one or more of the four licensing objectives and another who upon being provided with a copy of the application has confirmed they withdraw their representation. Dry Drayton Parish Council also lodged a representation, but after being provided with a copy of the application they have now confirmed that they are in support of the application, the emails withdrawing the representations are attached as **Appendix H**.
16. The applicant drafted responses to all objectors, and these were emailed out to everyone on 5 December 2023 by the Licensing Team, the responses are attached as **Appendices J1-J12**.
17. The applicant has provided a Noise Management plan in support of their application, and this is attached as **Appendix K**.
18. There are no policy presumptions within the Council's Statement of Licensing policy, against the grant of the licence unless it can be shown that the application would undermine or prejudice the licensing objectives.

## Options

19. The Sub-Committee in determining the application will consider the steps set out in section 18(4) Licensing Act 2003.
20. 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. To refuse to grant the application
  - b. To grant the application with (or without) conditions in full (or in part)
21. The Sub-Committee must give the reasons for the decision.

## Implications

22. 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

23. 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.
24. 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.
25. 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.
26. Any party aggrieved by the decision of the Sub-Committee has the right of appeal to the Magistrates' Court.

### Risks/Opportunities

27. 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/alcohol-and-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:	Application form
Appendix B:	Plan
Appendix C:	Draft Event Management Plan
Appendix D:	Site notice and advert
Appendix E :	Trading Standards response
Appendix F1:	Caldecote Parish Council representation
Appendices F2 – F12:	Eleven residents representations
Appendix G:	Location plan of residents addresses
Appendix H:	Emails withdrawing representations
Appendix I:	Current Childerley Orchard premises licence
Appendices J1-J12:	Responses to objectors from applicant
Appendix K:	Noise Management Plan

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