

LICENSING ACT 2003
APPLICATION TO VARY A PREMISES LICENCE HDC/PRE00061
PIKE & EEL, OVERCOTE LANE, NEEDINGWORTH, PE27 4TW

1. INTRODUCTION

1.1 This application has been made by Cambridge Marina Limited, the premises licence holder. To vary an existing premises licence HDC/PRE00061. To increase the licenced area to include parts of the external areas, and to add and increase the times licensable activities may take place, as follows

- a. Provision of Films
Currently: not permitted
Applied for: Indoors & Outdoors - Mondays to Sundays 11:00 to 01:00
- b. Provision of Live Music
Currently: Indoors - Mondays to Sundays 10:00 to 00:00
Applied for: Indoors & Outdoors Mondays to Sundays 10:00 to 01:00
- c. Provision of Recorded Music
Currently: Indoors - Mondays to Sundays 10:00 to 00:00
Applied for: Indoors & Outdoors – Mondays to Sundays 07:00 to 01:00
- d. Provision of Performance of Dance
Currently: Indoors - Mondays to Sundays 10:00 to 01:00
Applied for: Indoors & Outdoors – Mondays to Sunday 10:00 – 01:00
- e. Anything of a similar description
Currently: Indoors – Mondays to Sundays 10:00 to 00:00
Applied for: Indoors & Outdoors – Mondays to Sundays 10:00 to 01:00
- f. Provision of Late Night Refreshment
Currently: Indoors - Mondays to Saturdays 23:00 to 00:00, Sundays 23:00 to 23:30
Applied for: Indoors & Outdoors – Mondays to Sundays 23:00 to 01:00
- g. Supply of alcohol
Currently: for consumption ON & OFF the premises Mondays to Saturdays 11:00 to 23:00, Sundays 12:00 to 22:30
Applied for: for consumption ON & OFF the premises Mondays to Sundays 10:00 to 01:00
- h. Hours premises are open to the public
Currently: Mondays to Saturdays 10:00 to 00:30, Sundays 10:00 to 00:00
Applied for: Mondays to Sundays 07:00 to 01:30
- i. Seasonal Variations
Currently: See Annex 4 of Premises Licence
Applied for: On Good Friday, the Sundays before a bank holiday Mondays, Christmas Eve, and New Years Eve, all activities will be permitted to take place for an additional 1 hour until 02:00 the following morning. The premises will be permitted to be open to the public until 02:30 the following morning.

j. The application also seeks to remove the outdated embedded restriction and Public Entertainment Licence conditions detailed at Annex 2 of the current premises licence.

k. The description of the variation reads:
'We would like to have one off outdoor music festivals, our main priority would be to hold weddings, where live music and alcohol will be consumed on the grounds'.

1.2 Section '16' of the application form addresses the four licensing objectives. Any proposals made in this section are normally translated directly into conditions that will be attached to the premises licence.

Paragraphs 8.41- 8.49 and Section 10 of the Home Office guidance issued under section 182 refer to the operating schedule and licence conditions.

1.3 A copy of the current premises licence and plan is attached as **Appendix A**.

1.4 A copy of the variation application form and plan is attached at **Appendix B**

2. BACKGROUND

2.1 The Pike & Eel has had the benefit of the current premises licence since 2005. In March 2017 the licence was transferred to Cambridge Marina Limited.

3. REPRESENTATIONS

3.1 During the period for representations six representations have been received from 'other persons'. The representations have been attached in their entirety as **Appendix C**.

3.2 Not all matters raised within the representation may be relevant matters for consideration under the Licensing Act 2003.

3.3 In their role as a Responsible Authority, Environmental Health have discussed noise attenuation with the applicant, with a view to voluntarily including additional conditions on the licence. The conditions that have been agreed are attached at **Appendix D**.

3.4 The Police have also made a representation primarily addressing the Public Safety licensing objective, and with regards to the 'music festivals' aspect of the application. The representation can be seen at **Appendix E**

3.5 A person who has submitted a relevant representation is entitled to address the Licensing Sub-Committee at the hearing and ask questions of any other party appearing at the hearing.

4. GENERAL DUTY/ POLICY CONSIDERATIONS

4.1 The licensing authority must carry out its functions under the Act with a view to promoting the licensing objectives, each objective has equal importance, the objectives are:

- a. the prevention of crime and disorder,
- b. public safety,
- c. the prevention of public nuisance, and

d. the protection of children from harm.

4.2 The sub-committee must also have regard to –

- a. its statement of licensing policy, and
- b. any statutory guidance issued under Section 182 of the Licensing Act 2003.
- c. the Human Rights Act 1988

4.3 The Council must also fulfil its obligations under Section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder in its district.

5. DETERMINATION

5.1. In making a decision, this application must be determined on its individual merits having regard to the representations and supporting documents included as part of the report along with additional information considered relevant at the hearing. As part of the decision process the sub-committee is required to give its reasons for any decision arrived at.

5.2. Any decision made by the sub-committee must be reasonable and proportionate and promote the Licensing objectives.

The Committee may:-

- a. Grant the application as applied for
- b. Refuse the application
- c. To grant the licence with conditions or modifications as considered appropriate to promote the licensing objectives

BACKGROUND INFORMATION

Licensing Act 2003.

Guidance issued under section 182 of the Licensing Act 2003.

The Council's Statement of Licensing Policy.

Licensing Officer: Sarah Mardon

23 July 2019