

**PRESENT**

Councillor Julia Huffer (Chairman)  
Councillor Michael Allan  
Councillor Carol Sennitt

**OFFICERS**

Lin Bagwell – Licensing Enforcement Officer  
Stewart Broome – Senior Licensing Officer  
Maggie Camp – Legal Services Manager  
Adrian Scaites-Stokes – Democratic Services Officer  
Karen See – Senior Environmental Health Officer

**OTHERS PRESENT**

Ms C Eames – Poppleston Allen (Applicant's Representative)  
Mr C Brown – Area Manager (Applicant)  
Mr S Pac-Pomarnacki, Designated Premises Supervisor (Applicant)  
Ms N Blaken - Objector  
Mr T Paisley – Objector  
Mr N Wright - Objector  
1 member of the public

**1. APPLICATION FOR THE GRANT OF A NEW PREMISES LICENCE – LICENSING ACT 2003**

The Sub-Committee considered a report, reference T174 previously circulated, which detailed an application for the grant of a new premises licence in respect of The Hereward, 45 Market Street, Ely.

The Chairman welcomed everyone to the meeting and all in attendance introduced themselves.

The Chairman asked if the Applicant had received a copy of the report and it was confirmed it had been received.

The Licensing Enforcement Officer presented the report, stating that the matter before the Sub-Committee was to determine whether to grant a new licence to the Applicant. Stonegate (the Applicant) had applied on 23<sup>rd</sup> December 2018 and the application had been advertised, in accordance with Section 17 of the 2003 Act. The premises had been licensed since 2005 and the current licence was held by

Stonegate. The licensable activities under that current licence were listed under paragraph 3.1 of the report.

The new licence application proposed extending its operating hours by 2 hours later on Friday and Saturday evenings plus 1 hour later on Sunday evenings. It also proposed extending the hours to sell alcohol each day, with earlier starts.

Following consultations with the Police, steps had been offered to promote the licensing objectives and these were detailed under section M of Appendix 2. Appendices 3 and 4 were the representations made by the Local Authority and Environmental Health. No other responsible authority had submitted representations but other representations had also been received, as shown in Appendix 5. Since the report had been published a new proposed amended Operating Schedule had been submitted, a copy of which had been tabled. This had satisfied the Local Authority and Environmental Health representatives.

The premises was in a city centre location and its standard of compliance had been good. A temporary event notice had been required recently and there had been no complaints received relating to it.

The Sub-Committee had to determine the application and consider the licensing objectives, relevant statutory requirements, Council policy and take account of all written and oral submissions. Any modification to the conditions had to be appropriate and proportionate and reasons had to be provided for any decision made. So the application could be granted with conditions, mandatory conditions could not be modified, some licensable activities could be excluded, or the Sub-Committee could refuse to specify a person in the licence or reject the application.

Councillor Julia Huffer asked if there had been any complaints about the premises last year. She also wanted confirmation that the Police had raised no objections. The Licensing Enforcement Officer confirmed that no complaints had been received and the Police had raised no issues.

The Chairman then invited the Applicant's representatives to address the Sub-Committee. Ms Eames made the following comments:

- As part of the pre-consultation Stonegate had ensured it liaised with the responsible authorities including the Police.
- Stonegate had over 700 premises and were always willing to work alongside the Police. They were confident in the application and had suggested bodycams for some Hereward staff.
- Environmental Health had checked if there had been any recent complaints and only one had been found from July 2017. This related to noise problems from a karaoke event where the side door had been left open. Karaoke was not now undertaken.

- A brand new application was a better way of handling the situation and it would promote the licensing objectives. This would also give the local authorities and residents a chance to look at it.
- Currently The Hereward was permitted to sell alcohol from 11am but the proposal was to move the start time to 9am.
- This would match the standard and give consistency across Stonegate's premises, as 11am was now considered quite late.
- The terminal hours for Friday, Saturday and Sunday were proposed to be extended by 2 hours or 1 hour.
- Also, outside the premises the side area terminal hour was proposed to be moved from 8pm until 10pm. This would be expertly managed.
- Other premises already had later opening hours, as the complexion of the High Street was changing.
- Stonegate had found that businesses being open later had a positive effect on the licensing objectives. Currently clients did not finish at 1am so tended to mill around the town. The Company had found that when opening later, with suitable robust standards in place, customers tended to stay in a safer environment and gradually dispersed.
- Some similar businesses stayed open until 3am and had not been subject to any reviews, therefore this suggestion would work. Stonegate did not want to extend the opening hours only to find that it did not work.
- If the application was granted then a late entry condition would be applied, as The Hereward would not want people coming in too late. This would be before 2am to prevent any flashpoints.
- Within the context of the application, Stonegate had experience of operating the later hours and were familiar with the issues for local residents.
- The Council's licensing policy had been checked to ensure a robust operating system would be included with the application.
- Both Environmental Health and Licensing departments had understood the Company's proposals and were comfortable with them, as they accounted for all concerns and issues.
- Whilst not disputing the experiences of residents, there had not been any complaints made against The Hereward but Stonegate was willing to talk to them and encouraged people to contact them.
- Whether the application was granted or not, the issue with the side door would be addressed to protect residents.

Mr Brown then made the following comments:

- Stonegate loved Ely and wanted to invest in it.
- The Company's track record showed it took safety and the licensing objectives seriously.
- The Company also had vast experience with operating late opening businesses.
- It wanted to save the traditional British pub and the High Street, so it was bucking the trend and investing in both.

- The Company wished to create a 'one-stop-shop' business, by offering breakfast as well as sport television.
- A lot of people did not wish to finish at 1am, so an option was sought to allow them to remain in The Hereward and gradually disperse from there.

Councillor Julia Huffer questioned the last entry condition that had been suggested and wondered how staff would deal with late comers who were drunk and then were refused entry. How would those people be expected to act and, as 2am was very late, should not the cut-off time be reconsidered? Mr Brown stated that unfortunately incidents could occur at any time of the day, but the Company did not want people entering who were drunk or on drugs.

Ms Eames revealed that the Police had adopted an initiative called 'Welfare And Vulnerable Engagement', which gave suitable training to handle situations like that. Any premises had to deal with customers like that and the Company had a policy to cover that. It would be up to the Sub-Committee whether it endorsed the late night entry condition. A balance had to be found over the timing of that, so that other problems were not created. Lots of companies operated similar systems and the Company would have to find the point at which it worked.

Councillor Michael Allan asked what was the average time for last entry and the average number of people coming in late? Was the Company responding to the demand of more people coming in later? Ms Eames thought that the last entry time was usually about 1 hour before closing time. Mr Brown suggested that each site decided the time on its own merits, as it depended on where the pub was situated. It was not expected that there would be too many late comers to the Ely site, though it was shown that people were still about as they went elsewhere around that time.

Ms Eames explained that behaviours were changing and the Company had to change in response. The Hereward got close to capacity nearing its terminal time, so people should be allowed to leave at their leisure. It was difficult to set a time, as towns and cities varied their extended hours. The extension of the opening hours should be considered an investment.

Councillor Carol Sennitt was reassured about safety with the doormen around and asked what a 'Bodycam' was. Would plastic cups be used when people were sitting outside? It was explained that a Bodycam went around the neck or was attached to the jackets of the doormen, with a camera recording events. This could provide further evidence when refusing entry and how that situation was dealt with. Police officers also wore these and the bodycams acted as a visual deterrent to bad behaviour and helped diffuse situations. Normally glasses would be used to serve people who sat outside, as it was a safe area.

Ms Blaken noted that a temporary event had taken place in The Hereward and asked if it had closed at 2am. If so, it had broken planning permission and the Company had to be aware of this. The Licensing Officer Enforcement explained

that it had been held under a Temporary Event Notice, which was not a licence. It was something that someone wanted to do and the relevant application had gone to Environmental Health and the Police for their consent. Therefore, this had not been a breach. The Senior Licensing Officer reminded the Sub-Committee that any planning breach was a matter for the Planning department and not this Sub-Committee.

The Chairman then invited Mr T Paisley to address the Sub-Committee, who made the following comments:

- He lived opposite the pub but had not been aware of the application since returning after Christmas.
- There were already ongoing issues over loud music leaking into the square and his home.
- This had been reported to the Environmental Health team at the Council.
- The Council's policy tried to avoid a public nuisance but there were weekly disturbances from people leaving the pub until 2am, including fights.
- People did leave in a dispersed way but this meant he was continually woken by people leaving.
- This issue would persist later if the pub was granted extended hours.
- He was continually clearing up vomit, urine and broken glass. Although The Hereward could not be held directly responsible, it was a contributing factor.
- Smokers also used the square and constantly littered it, with very little street cleaning provided by the Council.
- Ely had a diminished Police force which could not attend any incidents.
- The pub had been great with regards its policy about the side door and he had been advised, before moving to his new home, that the door would be kept closed. This did help keep noise levels down during live or sports events, though some bands were incredibly loud.
- The use of the outside seating area meant the door was continually being opened letting the noise out, so this area should only be used up to 10pm.
- The building had not been built as a pub so it had no sound-proofing. This meant music spilled out into the area. Music should not be audible outside the building, as this contravened policy, so a noise limit should be incorporated.
- The proposed new outside seating was on land owned by the Highways department and was a delivery area. It became extremely congested with vehicles and access being blocked.
- He could not see how that outdoor seating area could be practical, as it was a dangerous and unmanageable area.
- The 9am opening time would mean that the pub would be exploited by certain people, for example alcoholics.

The Chairman then invited Mr N Wright to address the Sub-Committee, who made the following comments:

- He owned the premises next door to The Hereward.

- If the hours were going on longer and on weekends then the music noise would infringe more.
- The proposed outside seating would go right up to his fire door, so people would not be able to get through. This would also interfere with deliveries.
- Broken glass and bottles, sick and other nasties ended up in his doorway which he had to clear up.
- There was CCTV on his premises so it would show the direction people came from.
- If events were held outside, please do not use glasses as he would have to clear them away every weekend.

The Chairman then invited Ms N Blaken to address the Sub-Committee, who made the following comments:

- She lived in Nutholt Lane.
- The city centre was of a mixed use but was always changing and the area was becoming more residential.
- Residents were entitled to be able to sleep but the proposed extended opening hours were a threat to this.
- The proposal really meant an opening time of 3am.
- Although such times were operated elsewhere, these places were distinctly different to Ely with a different dynamic.
- Roughly 400 people milled around the Hereward, but Ely could not deal with those numbers, so a different business model was needed.
- Other venues were open to 2am but none beyond that.
- Stonegate offered something different, which attracted people from a wider area, from other pubs. So there would be movement towards the Hereward.
- There was a never-ending argument to extend hours but care needed to be taken not to set a precedent for Ely.
- Live and recorded music was used, with an intensity of music noise on Sunday afternoons. This became intrusive.
- Environmental Health only monitored this for a couple of weeks before going away.
- The business had to be competitive but this was a step too far.
- Crime and Disorder was a problem, with trails of vomit and urine happening everywhere. This was an existing issue that was not being dealt with.
- 24 serious sexual assaults had been recorded around this area whereas there were only 5 in the High Street. This was not being dealt with either.
- As this venue would be open later than others, the extended business hours would aggravate that situation.
- The Police only had 2 officers to cover this area and the Police Station closed on Saturday at 5pm, so there was no Police presence available.
- Some people did not use that part of town due to it not being a pleasant area.
- The structure of the building, with large glass windows, did not cover the noise generated inside. So the noise insulation was not good.

- The application would create a late night club, which was not a market town thing, and the Applicant, District Council or Police would not have the resources to deal with.
- The Sub-Committee should not approve the application, but if it did then noise and time limits should be imposed.

Councillor Julia Huffer asked the Applicant whether they had, or might put in, noise insulation at the premises. Ms Eames stated that the premises already operated up to 1am with noise abatement and only 1 complaint had been made. The business would not change, just extend its hours. There had been some instances in the area but these were after 2:30am, long after the side door opening had been locked, none of which were specifically related to the Hereward. There was no intention to install sound proofing and the Council had not indicated it would be required. If complaints were received once the extended hours were in operation then Environmental Health could be spoken to and investment made in the premises if required.

The Senior Environmental Health Officer revealed that there had been complaints, 1 in the last 2 years about music noise. The problem had been identified as the side door being propped open. Previous discussions had been held about this, as the door was not lobbied. The Applicant was

strongly committed to adhering to conditions relating to use of the side door, as the door was not used after certain times with the Company's agreement. Any venue could be made sound-proof but this needed to be looked at fairly and practically. If there was significant evidence of music noise causing a problem then limiters could be put in. This would be discussed with the venue to see if measures could be accommodated. However, the set of conditions already proposed were considered robust.

Councillor Michael Allan asked whether it was someone's job to monitor noise and record the levels. Ms Eames said the premises were aware of the vicinity and checked round the premises and pointed out this was one of the conditions proposed.

Mr T Paisley thought the current levels were not tested and asked for them to be. He had put up with noise disturbance but had reported some to the Environment Agency. He would want them to carry out the testing. The proposal was to supply alcohol up to 3am so, with up to half an hour dispersal, noise could go on until 4am.

The Senior Environmental Health Officer made the Sub-Committee aware that music meters were not needed and mobile phone applications did not give an accurate measure, though premises were asked to do an audio check. She suggested that the relevant condition be amended to read "must not emanate" to address the noise issues.

Councillor Julia Huffer questioned whether these checks were done to the front or side elevations. Ms Eames replied that the front area had no restrictions but the

side area had permission to be used until 8pm. The Applicant would be happy to limit drinks being taken out to the front area to not after 1am.

The Licensing Officer Enforcement disclosed that discussions on this matter had been held some time ago. The side outside area could not be used unless given permission by Highways, as it was on Highways land. The previous owners had been advised to speak to Highways about that issue.

Ms N Blaken noted that conditions had been proposed to address the noise issues and questioned what the 'licensable activities' were. The relevant condition should be amended to read "must not emanate" to stop the noise problem. Cambridge City Council had a standard condition that stated "not audible beyond the boundary", which would be much more useful for residents.

The Senior Licensing Officer acknowledged that the Licensing Authority could not right all ills but should look to control them. If there was no licence in place then they could not be dealt with. If granted this licence would allow conditions to be enforced. Conditions could be worded in many ways but the basic idea was to allow prosecution if it were breached. The proposed condition was satisfactory in allowing control of that matter. Part of the original conditions were not concise but after some negotiations this schedule of conditions was agreed and better reflected what the Applicant was doing. This meant there were no additional objections to the application.

Councillor Michael Allan then suggested that there should be 2 door supervisors if the opening hours lasted until 3am. An appropriate person should record noise levels, as some live music could be loud. Therefore the noise needed to be properly recorded.

Councillor Julia Huffer asked how the Applicant intended to monitor noise levels outside. Would mobile phone applications be used?

Ms Eames confirmed there would be a minimum of 2 supervisors. The relevant condition could be modified to maintain the status quo and the Applicant would be happy to restrict smokers to the front area only on the existing days. The last entry condition would operate on Fridays and Saturdays up to 1am or 2am, and could be defined by the Sub-Committee, though the Applicant would prefer some flexibility. Manual records were normally used to record noise levels. There was no legal requirement for equipment to be used to check the levels. Environmental Health could check to see how that was working, as it was practical to leave that to the experts.

The Chairman asked if anybody had any further comments to add and everyone was happy that they had a fair say. As the discussions on the decision could take some time everyone was asked whether they would be content to receive the

decision in writing later. All were in agreement and they all left the building. The Sub-Committee then retired to consider its decision, at 1:15pm.

The Sub-Committee made the following decision:

Members were minded to grant the application subject to some modifications to address the residents' concerns and representations as follows:

Agree new licence but not extended hours on Sunday – to remain as at present, consumption of alcohol only until 12 midnight, closing at 12.30, late night refreshment until 12 midnight closing at 12.30.

Proposed Condition 12 – amended to say the side door shall not be used for entry or exit after 20.00 hours on any night, except in the case of an emergency.

Proposed Condition 25 - regarding Chequers Lane Outside Seating Area Conditions, amended to 20:00 hrs.

Proposed Condition 26 - Tables and Chairs to be removed and securely stored away by 20.30 hours.

Front seating area restricted on Friday and Saturday to no drinks outside after 1 am.

Last entry to the Premises on Friday and Saturday to be 1.30 am.

The reason behind the decision was that Members had listened to the concerns of the objectors and the representations made and felt that the above amendments were a fair balance between the request of the applicant, the Responsible Authorities and the needs of the residents.

The Applicant or any persons who made a relevant objection have a right of appeal against the decision, which should be made within 21 days of notification of the Sub-Committee's decision.

The meeting concluded at 2:42pm.