



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

Minutes of a meeting of the Licensing (Statutory) Sub-Committee held at 4:46pm on Thursday 1st June 2023 in the Council Chamber at The Grange, Nutholt Lane, Ely, CB7 4EE.

PRESENT

Cllr Charlotte Cane
Cllr Lavinia Edwards
Cllr Keith Horgan (Chairman)

OFFICERS

Stewart Broome – Senior Licensing Officer
Maggie Camp – Director Legal Services & Monitoring Officer
(Legal Adviser)
Angela Tyrrell – Senior Legal Assistant
Hannah Walker – Trainee Democratic Services Officer

IN ATTENDANCE

Cllr Chika Akinwale (left at 5:01pm)
Cllr Christine Ambrose Smith
Cllr Martin Goodearl
Cllr Bill Hunt
Cllr John Trapp

0 members of the public.

1. ELECTION OF CHAIRMAN

Cllr Keith Horgan was nominated as the Sub-Committee Chairman by Cllr Lavinia Edwards and seconded by Cllr Keith Horgan.

There being no other nominations, it was resolved:

That Cllr Keith Horgan be elected as the Chairman of the Licensing (Statutory) Sub-Committee for the 2023-24 municipal year.

2. APOLOGIES AND SUBSTITUTIONS

There were no apologies nor substitutions for this meeting.

3. DECLARATIONS OF INTEREST

No declarations of interest were made.

4. APPLICATION FOR THE GRANT OF A NEW PREMISES LICENCE – LICENSING ACT 2003 INDIAN EDGE, 9A BROAD STREET, ELY, CAMBRIDGESHIRE, CB7 4AJ

The Sub-Committee considered report Y6 (previously circulated) regarding an application for the granting of a premises licence in respect of Indian Edge, 9A Broad Street, Ely, CB7 4AJ.

The Senior Licensing Officer provided a summary of the premises history and highlighted that the new permission would restrict the use to internal dining and takeaway facilities between the hours of 12:00 to 22:00 Monday to Sunday, under Condition 7 of the change of use planning consent granted under LPA ref 22/00512/FUL.

The new application submitted by Indian Edge on 19th January 2023 was attached to his report: the applicant proposed to operate as an Indian restaurant providing food and drink for internal and takeaway purposes. Table 1 within the report detailed the proposed hours with set days for licensable activities such as sale by retail of alcohol for consumption on and off the premises, late night refreshment (indoors), recorded music (indoors) – limited to background music only, and opening hours. The plans and steps the applicant would take to promote the licensing objectives were also included as an appendix to the report.

The Senior Licensing Officer explained that during the consultation period the Licensing Authority received no representations from any responsible authorities, and a total of four valid representations were received from other persons permitted by the Licensing Act 2003. All four of the representations raised concerns regarding the proposed extended trading hours resulting in additional noise and disturbance, and were included as an appendix to the report. The applicant agreed during the consultation period to amend the application to match the hours permitted by their planning permission. The Senior Licensing Officer noted that the late-night refreshment (indoors) would no longer require any proposed hours, as this activity only required permission beyond 23:00. An agreement was reached with the persons who submitted their representations to dispense with the need to hold a full hearing, providing that any licence granted did not exceed the hours shown in Table 2 of the report.

Members were reminded that the application should be determined with a view to promoting the four licensing objectives: the prevention of crime and disorder; the prevention of public nuisance; public safety; and the protection of children from harm. Members were required to have regard to the Council's Statement of Licensing Policy and the Statutory Guidance issued under section 182 of the Licensing Act 2003 when making their decision. Members were provided with the options available to them in determining the premises licence application together with a summary of the key matters that had been presented to them. The Sub-Committee were asked to ensure that they provided reasons for their decisions, and considered their responsibilities under the Human Rights Act 1998 to balance the rights of the applicant and the rights of those who may be affected.

Members were informed that if they considered that the agreement reached would uphold the licensing objectives then they could dispense with the need to hold a hearing. However, if they considered that the application would have a detrimental impact on one of the licensing objectives then they could adjourn the determination and invite all parties to attend a hearing in future to answer questions.

The Senior Licensing Officer ended his report by stating that the applicant or any party who had made relevant representations in relation to the application could appeal the Sub-Committee's decision at the Magistrate's Court. The right of appeal was 21 days from the date of notification of the decision and there would be costs associated with the process.

The Chairman invited questions to be asked of the Senior Licensing Officer as neither the applicant nor any parties who had submitted relevant representations were present at the meeting.

Cllr Cane referred to Operation Schedule Condition 7 and queried what the definition was for recorded music to be limited to internal background noise. The Senior Licensing Officer explained that there was no statutory definition, however the recorded music would be the same noise level as a normal conversation, and incidental to people in the premises.

Cllr Edwards referenced Table 2 within the Senior Licensing Officer's report raising concern over the proposed hours of the business within a residential area. It was clarified to the Sub-Committee that the proposed hours were consistent with other businesses in the residential area, with their closing time at 22:00.

Cllr Horgan asked whether Indian Edge was already open as a business, whether any incidents had been reported, and whether the sale of alcohol would also stop at 22:00 closing time if a premises licence was granted. The Senior Licensing Officer confirmed that the business could not currently sell alcohol; the premises licence would enable them to sell alcohol for consumption on the property until 22:00 and it could be consumed off-site after 22:00.

Cllr Cane referred to Operation Schedule Condition 9 and suggested a potential change to remove the word 'empty' from the sentence. The Senior Licensing Officer said the condition could be amended but it would be an insignificant change, and he would advise Members against this. Members agreed that the change was not necessary but asked the Senior Licensing Officer to remove the word 'empty' from Condition 9 for future applications.

The Senior Licensing Officer explained that the Sub-Committee could go into closed session to discuss the application further, or could announce their decision in the meeting since all concerns had been addressed before the sub-committee meeting and agreement reached between the applicant and those who had submitted representations. The Director Legal Services also reminded Members of the need to consider the matters within paragraph 4.3 of the Officer's report when making their decision.

It was unanimously agreed:

That the Senior Licensing Officer be instructed to grant the premises licence in accordance with the agreement reached between all parties with regard to the reduced hours set out in table 2 in the report, the conditions offered by the applicant contained in appendix 3 to the report, and any necessary mandatory conditions as set out in the Licensing Act 2003.

The meeting closed at 5:08pm