



# East Cambridgeshire District Council

## **Minutes of a Meeting of the Licensing (Statutory) Sub Committee**

Held at The Grange, Nutholt Lane, Ely, CB7 4EE at 11:00am  
on Wednesday 13 December 2023

### **Present:**

Cllr Keith Horgan (Chairman)

Cllr Julia Huffer (substitute for Cllr Lavinia Edwards)

Cllr Gareth Wilson (substitute for Cllr Charlotte Cane)

### **Officers:**

Stewart Broome – Senior Licensing Officer

Maggie Camp – Director (Legal Services)

Angela Tyrrell – Senior Legal Assistant

Hannah Walker – Trainee Democratic Services Officer

### **In attendance:**

Robert Botkai – Solicitor representing The Lounges

Stewart Hakewill-Watson – Operations Chef for The Lounges region

Lorraine Hodgkinson – Objector

Robert Starling – Objector

Karen Wright – ICT Manager

## **1. Apologies and substitutions**

The Trainee Democratic Services Officer informed Members that the Liberal Democrat Group appointed Cllr Gareth Wilson as a substitute member on the Licensing Statutory Sub Committee.

Apologies for absence were received from Cllr Cane, and Cllr Edwards.

Cllr Huffer and Cllr Wilson were attending as a substitute.

## **2. Declarations of interest**

No declarations of interest were made.

### **3. Application for the review of a premises – Licensing Act 2003 Premises: Piccolo Lounge, 11 Market Place, Ely, CB7 4NP**

The Sub-Committee considered a report, Y110 previously circulated, to determine an application for the review of a new premises licence in respect of Piccolo Lounge, 11 Market Place, Ely, CB7 4NP. The Senior Licensing Officer stated that the application did not require a change of use permission, but he was aware that the signage application was pending with colleagues in the Planning Team.

Lounges UK Limited applied for a Premises Licence under Section 17 of the Licensing Act 2003 for 11 Market Place, Ely CB7 4NP trading as Piccolo Lounge as a food led café bar on 16 October 2023. Members were informed of the licensable activities and the proposed hours which were included in the permission for the premises licence, the premises could remain open for the sale of alcohol and the provision of late-night refreshment from the terminal hour for those activities on New Years Eve through to the commencement time for those activities on New Years Day, the Senior Licensing Officer clarified that most premises have New Years Eve late night refreshment on their licence.

The Senior Licensing Officer explained that the applicant had offered steps to promote the licences objectives. Two representations were received from responsible authorities: Cambridge Constabulary and Environmental Health. A total of three valid representations from other persons were permitted by the Licensing Act 2003, whereby two were present at the meeting. The concerns raised by the representations were the possibility increased noise and associated crime and disorder from the premises.

Members were notified that the period between the Officer writing the report and the agenda being published, the applicant had agreed to amend their operating schedule to include a list of additional conditions to be added to the licence, which was agreed with Environmental Health and the Police at Appendix 6 to the Officer's report, both representations had no further objections and the issues had been resolved.

Members were reminded that the application should be determined in accordance with 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 Officer's recommendations to determine the premises licence and were asked to note that they may not modify or impose new conditions, or reject the whole or part of the application, merely because they felt desirable to do so, it must be appropriate to do so in order to promote the licensing objectives. Regulation 19(a) required authorities to disregard any information given by a party or person that is "not relevant" to the application or representations and licensing objectives.

Members 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.

The Sub-Committee were informed that in determining the application, the decision must be appropriate and proportionate to the objective being pursued, Members must consider:

- Article 6 – the right to a fair hearing
- Article 8 – respect for private and family life
- Article 1, First protocol peaceful enjoyment of possessions
- Article 14 – the right to freedom from discrimination

The Senior Licensing Officer ended his report by stating that the cost of the Licensing Hearing was covered by the statutory licence fees that had been paid and any party aggrieved could appeal the Sub-Committee's decision to the Magistrate's Court within 21 days from the date of notification of the decision and there would be costs associated with the process.

The Sub-Committee had no questions to the Senior Licensing Officer.

The Chairman invited the Applicants, Robert Botkai and Stewart Hakewill-Watson to present their case.

Robert Botkai introduced himself as the Solicitor representing The Lounges, and Stewart Hakewill-Watson was the Operations Chef for The Lounges in the region. Mr Botkai hoped that Members had seen the brochure provided from The Lounges to support their application. Mr Botkai explained that The Lounges had more than 200 lounge diners around the country, each lounge diner had a local name, the applicant described the different types of premises they had such as cosy clubs for late night drinking and lounges for family dining with an emphasis on brunch, lunch and afternoon trade. The Lounges provided a range of vegetarian, vegan and gluten free menus with food freshly cooked on the premises.

The premises licence proposed hours included 10am until midnight for the sale by retail of alcohol for consumption on and off the premises and opening until midnight was described as umbrella hours. Mr Botkai explained that the premises would be open until 11pm and potentially midnight on Fridays and Saturdays. Mr Botkai recognised the concerns from residents; however, the premises encourages daytime activity. The applicant had engaged with Officers, Environmental Health, and the Police to agree to the operating schedule and conditions, he hoped that the operating conditions would not be contributing to any late night anti-social behaviour.

Mr Botkai explained that customers could order food and drink to their table using an app and confirmed that the premises would not have a standing drinking environment. In addition, there would be a limited seating area outside of the premises to include 3 tables of 4 chairs, and no parking at the premises.

Both Mr Botkai and Mr Hakewill-Watson were happy to answer any questions that Members had.

The Chairman invited questions to be asked to the Applicants, Mr Botkai and Mr Hakewill-Watson.

Cllr Huffer queried whether rent would be paid for the Mothball area at the back of the premises or whether they would expand into it, as indicated in Appendix 2 of the Officer's report. Mr Botkai confirmed that there were no plans for expansion and the Mothball area would not be used.

Cllr Wilson asked what the percentage of food to alcohol was at The Lounges. Mr Hakewill-Watson confirmed it was 70% food and 30% drinking.

In response to a question from the Senior Licensing Officer, Mr Botkai confirmed that the applicant would apply for a pavement licence to enable their plans for outdoor seating at the front façade of the property.

Cllr Wilson asked the applicant to confirm whether the premises had single glazed windows at the front, or if there was a plan to install double glazing windows to reduce the noise, and whether there would be live or background music. Mr Botkai could not confirm what the glazing was for the premises, and confirmed the premises would only be playing background music, with no live entertainment.

The Chairman invited the Objectors to ask questions to the Applicant.

Ms Hodgkinson asked why the applicant had applied for a premises licence with proposed hours up until midnight. Mr Botkai explained that the licence would be from 10am until midnight, opening hours would be from 8am serving breakfast, and opening until midnight acted as an umbrella, he would expect the premises to be open until 11pm during the week and possibly midnight on Fridays and Saturdays, very few Lounges were open late, but they also wanted to have the option to include New Years Eve late night provision.

The Chairman invited the Objectors to present their case.

Mr Starling emphasised that his comments were included in the Officer's report and had nothing more to add. Ms Hodgkinson came to represent herself, husband, and son. She had concerns with the amount of drinking on the premises and would not know until Piccolo Lounge was open what the nuisance would look like on Brays Lane, Ely. She also stated that her concerns were included in her statement in the Officer's report for Members' attention.

The Chairman invited the Applicant to respond to the Objectors.

Mr Botkai explained that other Lounge venues had similar concerns from residents regarding noise and he would be happy to provide the representations with a contact number to enable open communication. He confirmed that none

of the premise’s licences held by The Lounges had been called in for review by residents.

Mr Botkai responded to a question from Ms Hodgkinson and confirmed if the premises licence was granted, they expected to open on 7 March 2024.

The Chairman was happy to hear that the applicant was prepared to share contact details with the representations.

*The Chairman checked that all parties felt they had had a fair chance to state their opinions, and he reiterated that up to 5 days were allowed for the communication of the Sub-Committee’s decision. He then closed the public session of the meeting at 11:38am for the Sub-Committee Members (together with their Director Legal and Senior Legal Assistant) to retire to a closed session to consider the evidence and reach a decision.*

Chairman.....

Date.....

**EAST CAMBRIDGESHIRE DISTRICT COUNCIL**

**LICENSING ACT 2003**

**NOTICE OF DETERMINATION OF LICENSING SUB-COMMITTEE HEARING**

**DECISION NOTICE**

**Date of Hearing:** Wednesday 13th December 2023

**Sub-Committee Members:** Councillor Keith Horgan (Chairman)  
Councillor Julia Huffer  
Councillor Gareth Wilson

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

**Applicant:** Loungers UK Limited

**Responsible Authorities:** None

**Other Persons:** Mr Robert Botkai – Solicitor for the applicant  
Mr Stewart Hakewill-Watson – Chef for applicant  
Mr Robert Starling – Objector  
Mrs Lorraine Hodgkinson - Objector

**Application by:** WS Law on behalf of Loungers UK Limited

**Premises Address:** 11 Market Place, Ely, Cambs, CB7 4NP

**Date of Application:** Monday 16th October 2023

**Details of Application:** Application for a new Premises Licence under Section 17 of the Licensing Act 2003.

**ORAL AND WRITTEN EVIDENCE PRESENTED TO THE HEARING**

**Written Evidence**

The Sub-Committee members have read the material presented to them and listed below:

The Licensing Officer's Report - this included:

1. A copy of the Applicant's application form and their supporting documentation;
2. A copy of the representations submitted by the responsible authorities;
3. A copy of the representations submitted by other persons;
3. A location plan of the premises;
4. A copy of the amended conditions agreed with the Police
5. Section 182 Statutory Guidance extracts;
6. Local Statement of Licensing Policy extracts.

### **Oral Evidence**

The Sub-Committee members heard the following oral evidence:

#### The Licensing Officer

The Licensing Officer presented the report, advised all parties that the applicant and Environmental Health had also now agreed conditions, presented all parties with a copy of the new agreed schedule of conditions, and then answered Member questions.

#### The Applicant

The applicant gave a summary of their application, and answered questions from Members and the objectors via the Chair of the Committee.

#### The responsible authorities

Not present

#### Other Persons

Mr Starling and Mrs Hodgkinson emphasised that their concerns were contained in the report, and they had nothing further to add.

#### The following Guidance was considered:

East Cambridgeshire District Council Statement of Licensing Policy – 7th January 2021

Revised Guidance issued under section 182 of the Licensing Act 2003 – August 2023

**DECISION:** Members of the Licensing Sub-Committee (in exercise of the powers delegated by East Cambridgeshire District Council as Licensing Authority) decided to:

**GRANT** the Premises Licence to Loungers UK Limited in accordance with para 4.4(a) of the Officer Report subject to:

- (i) the conditions that are consistent with the handout of agreed conditions provided by the officer at the committee, and
- (ii) any mandatory conditions that must be included in the licence.

**REASON:** In reaching this decision, Members of the Sub-Committee took into account that the responsible authorities had agreed to additional conditions that satisfied them that the licensing objectives would not be undermined. They agreed that the agreement reached between the applicant and the responsible authorities provided greater protection than the original application provided, and did not widen the scope of the original application submitted.

They also agreed that the amendment would have no adverse effect on the general public or any responsible authority as a result of those amendments being agreed.

Members noted the concerns of the residents, but felt that the amended application including the additional conditions provided a balance between the rights of them as residents and the rights of the applicant as a business, and that there were suitable safeguards in place as a result of the amended operating schedule agreed with the responsible authorities.

Members also noted the applicants undertaking to provide their contact details to those objecting, and welcomed this.

## **RIGHTS OF APPEAL**

The Applicant or any persons who made a relevant objection have a right of appeal against this decision. Notice must be given to the Clerk to the Cambridge Magistrates' Court, The Court House, Bridge Street, Peterborough PE1 1ED within 21 days of notification of the Licensing Sub-Committee's decision. Email: [cb-enquiries@hmcts.gsi.gov.uk](mailto:cb-enquiries@hmcts.gsi.gov.uk)