



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

THE GRANGE, NUTHOLT LANE,
ELY, CAMBRIDGESHIRE CB7 4EE
Telephone 01353 665555

MEETING: **LICENSING (STATUTORY) SUB-COMMITTEE**

TIME: **4:30pm or at the conclusion of the Licensing Training, whichever is later**

DATE: **Thursday 1st June 2023**

VENUE: **Council Chamber, The Grange, Nutholt Lane, Ely, CB7 4EE**

ENQUIRIES REGARDING THIS AGENDA: Hannah Walker

TELEPHONE: (01353) 665555 EMAIL: hannah.walker@eastcamb.gov.uk

MEMBERSHIP (Subject to confirmation at Full Council 25/05/2023):

Conservative Members

Cllr Lavinia Edwards
Cllr Keith Horgan

Substitutes:

Cllr Martin Goodearl
Cllr Julia Huffer

Liberal Democrat Member

Cllr Charlotte Cane

Substitute:

(tbc)

Quorum: 3 Members

AGENDA

- 1a. Election of Chairman** **[oral]**
To elect a Chairman of the Sub-Committee for the municipal year.
- 1b. Apologies and Substitutions** **[oral]**
- 2. Declarations of Interest** **[oral]**
To receive declarations of interest from Members for any Items on the Agenda in accordance with the Members Code of Conduct.
- 3. Application for The Grant of a New Premises Licence - Licensing Act 2003**
Applicant: Indian Edge
Premises: 9A Broad Street, Ely, Cambridgeshire, CB7 4AJ
To consider the above matter in accordance with the Hearings Procedure (attached).

NOTES:

1. Members of the public are welcome to attend this meeting. Please report to the main reception desk on arrival at The Grange. Visitor car parking on-site is limited to 1h but there are several free public car parks close by: <https://www.eastcambs.gov.uk/parking/car-parks-ely>

Admittance is on a “first come, first served” basis and public access will be from 10 minutes before the start time of the meeting. Due to room capacity restrictions, members of the public are asked, where possible, to notify Democratic Services (democratic.services@eastcambs.gov.uk or 01353 665555) of their intention to attend the meeting.

Further details about the meeting can be found at: <https://www.eastcambs.gov.uk/meetings/licensing-statutory-sub-committee-01062023>

2. The Council has adopted a ‘Purge on Plastics’ strategy and is working towards the removal of all consumer single-use plastics in our workplace. Therefore, we do not provide disposable cups in our building or at our meetings and would ask members of the public to bring their own drink to the meeting if required.
3. Fire instructions for meetings:
 - If the fire alarm sounds please make your way out of the building by the nearest available exit i.e. the back staircase or the fire escape in the Chamber. Do not attempt to use the lifts.
 - The fire assembly point is in the front staff car park by the exit barrier.
 - The building has an auto-call system to the fire services so there is no need for anyone to call the fire services.

The Committee Officer will sweep the area to ensure that everyone is out.

4. Reports are attached for each agenda item unless marked “oral”.
5. If required, all items on the agenda can be provided in different formats (e.g. large type, Braille or audio tape, or translated into other languages), on request, by calling Main Reception on (01353) 665555 or e-mail: translate@eastcambs.gov.uk
6. If the Committee wishes to exclude the public and press from the meeting, a resolution in the following terms will need to be passed:

“That the press and public be excluded during the consideration of the remaining item no(s). X because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the item(s) there would be disclosure to them of exempt information of Category X of Part I Schedule 12A to the Local Government Act 1972 (as amended).”

HEARINGS PROCEDURE FOR LICENSING SUB-COMMITTEES

1. Any hearing required under the legislation is to take the form of a discussion led by the Council. Hearings will be held in public unless the Members of the hearing consider that the public interest in excluding the public outweighs the public interest in the hearing or that part of it, taking place in public. For these purposes, a party to the hearing and any person assisting or representing a party may be treated as a member of the public.
2. The Chairman will introduce the Members and participants and explain the procedure to be followed. The Chairman will advise all parties that they must make their submissions succinctly, and that all parties will be afforded the same time which should generally not exceed 10 minutes.
3. If any party has advised the Council they do not intend to attend or be represented at the hearing, the hearing may proceed in their absence.
4. If any party has not indicated they do not intend to attend or be represented at the hearing, the Sub-Committee may:
 - where it considers it necessary in the public interest, adjourn the hearing to a specified date(s); or
 - hold the hearing in that party's absence.
5. Where a hearing is held in the absence of a party, any representations or notice made by that party shall be considered at the hearing.
6. Where a hearing is adjourned to a specified date(s), all parties will be notified forthwith of the date(s), time and place to which the hearing has been adjourned.
7. The Licensing Officer will appear first and will give:
 - a summary of the application/case
 - a summary of the representations made
 - a summary of how the application/case and any relevant representations relate to the provision of the Licensing Policy Statement, any guidance from the Secretary of State and the relevant legislation.

[In the case of enforcement/compliance hearings:

- 7a. *If a complainant is present, they will be asked to give details of their complaint. This procedure will be repeated if there is more than one complainant.*
- 7b. *The licence holder or their representative will be asked to present their case.*
- 7c. *Members, and Legal Officer will be able to ask questions of the licence holder.*
- 7d. *Licence holder or their representative will be asked to provide their closing statement.]*

[In the case of Licensing Act and Gambling Act review hearings:

- 8a. *The review applicant or their representative will be asked to present their case.*
- 8b. *Members, Legal Officer, any other party to the hearing will be able to ask questions of the review applicant.*
- 8c. *Representatives of the Responsible Authorities and/or Statutory Consultees, will appear next to explain their case.*

- 8d. *Members, Legal Officer, any other party to the hearing will be able to ask questions of the Responsible Authorities and/or Statutory Consultees.*
- 8e. *The licence holder or their representative will be asked to present their case.*
- 8f. *Members, Legal Officer, any other party to the hearing will be able to ask questions of the licence holder.*
- 8g. *The licence holder or their representative will be asked to provide their closing statement.]*

[In the case of all other application hearings:

- 9a. *The Applicant or their representative will be asked to present their case.*
- 9b. *Members, Legal Officer, any other party to the hearing will be able to ask questions of the applicant.*
- 9c. *Representatives of the Responsible Authorities and/or Statutory Consultees, and non-statutory Consultees (where applicable) will appear next to explain their case.*
- 9d. *Members, Legal Officer, any other party to the hearing will be able to ask questions of the Responsible Authorities and/or Statutory/Non-statutory Consultees.*
- 9e. *The applicant will be asked to provide their closing statement.]*
10. Members will be able to ask questions of any party at any time during the hearing but will at all times bear in mind the need for all parties to be afforded the same time to make their case.
11. Documentary or other information may be produced for consideration by the hearing by any party attending the hearing either before the hearing, or with the consent of all the other parties, at the hearing.
12. Information which is not relevant to:
- the application/case, representation or notice (as applicable);
 - the provision of the licensing objectives or (in relation to a hearing to consider a notice given by a chief officer of police) the crime prevention objective;
- will be disregarded.
13. For the avoidance of doubt, formal cross-examination will not be allowed at hearings, unless the Members of the hearing consider that it is required for proper consideration by them of any representation, application or notice as the case may require.
14. Should Members during the hearing be of the opinion that a site visit is necessary to enable them to make the decision then the meeting will be adjourned and a site visit carried out in accordance with the Council's Site Visit Guidance.
15. Following the presentations by and questioning of all the parties, the Members of the hearing will generally retire into closed session (either by leaving the room or asking all other parties to do so). The Members will make a decision and record reasons for this.
16. The authority will normally make its determination on the day and announce their decision and the reasons for it at the conclusion of the hearing. However, if stated otherwise by

Members before they retire, the decision will be communicated to all parties within 5 working days.

17. The Council shall provide for a record to be taken of the hearing in a permanent and intelligible form and kept for six years from the date of the determination or, where an appeal is brought against the determination of the authority, the disposal of the appeal. The right of appeal is 21 days from the date of notification of the decision.
18. For the avoidance of doubt, any irregularity resulting from any failure to comply with any provision of the Regulations before the authority has made a determination shall not of itself render the proceedings void.
19. In any case of such an irregularity, the authority shall, if it considers that any person may have been prejudiced as a result of the irregularity, take steps as it thinks fit to cure the irregularity before reaching its determination.
20. Clerical mistakes in any document recording a determination of the authority or errors arising in such document from an accidental slip or omission may be corrected by the authority.
21. Any person attending the hearing who in the opinion of the Members hearing the matter is behaving in a disruptive manner may be required to leave the hearing and may:
 - be refused permission to return; or
 - be permitted to return only on the conditions as may be specified by the Members and the hearing PROVIDED THAT such person may, before the end of the hearing, submit to the hearing in writing any information which they would have been entitled to give orally had they not been required to leave.

TITLE: APPLICATION FOR THE GRANT OF A NEW PREMISES LICENCE – LICENSING ACT 2003

Committee: Licensing (Statutory) Sub-Committee

Date: 1 June 2023

Author: Senior Licensing Officer

Report No: Y6

Contact Officer:

Stewart Broome, Senior Licensing Officer

01353 616477, Stewart.broome@eastcamb.gov.uk

1.0 PURPOSE/SUMMARY OF REPORT

1.1 To determine an application for the grant of a new premises licence in respect of Indian Edge, 9A Broad Street, Ely, Cambridgeshire, CB7 4AJ.

2.0 RECOMMENDATION(S)

2.1 That Members consider the content of this report, and determine the application in accordance with the options contained in paragraph 4.2 of this report.

3.0 BACKGROUND/OPTIONS

3.1 Premises History

In 2022, the applicant successfully applied to change the property's planning consent¹ to allow it to be used as a restaurant. This new permission restricted the use to internal dining and take-away facilities between the hours of 12:00 to 22:00 Monday to Sunday.

Until 2022 the premises were used for retail purposes.

¹ *Planning consent granted under LPA ref. 22/00512/FUL which consented to the change of use (these being Mon-Sun 12:00-22:00 hours only – Condition 7 of the consent).*

Details of the new application

3.2 On 19th January 2023 Indian Food (ELY) Limited applied for a Premises Licence under section 17 of the Licensing Act 2003 for 9A Broad Street Ely Cambridgeshire CB7 4AJ, trading as Indian Edge (**Appendix 1**). The application was served on the responsible authorities and advertised in accordance with the regulations of the Licensing Act 2003.

3.3 The application proposes to run as an Indian restaurant providing food and drink for internal dining and take away purposes. To support this the applicant requested the following:

Table 1

Licensable Activity	Proposed Hours
Sale by Retail of Alcohol for consumption on and off the premises	17:00 to 23:00 Sunday to Thursday
	17:00 to 00:00 Friday & Saturday
Late Night Refreshment (indoors)	23:00 to 00:00 Friday & Saturday
Recorded Music (indoors) – limited to background music only	17:00 to 23:00 Sunday to Thursday
	17:00 to 00:00 Friday & Saturday
Opening Hours	17:00 to 23:00 Sunday to Thursday
	17:00 to 00:00 Friday & Saturday

3.4 The plans of the premises can be found at **Appendix 2**.

3.5 The applicant offered steps that they are willing to take to promote the licensing objectives. These can be found in **Appendix 3** to this report.

Relevant Representations

3.6 During the consultation period the Licensing Authority received no representations from any responsible authorities.

3.7 A total of four valid representations were received from other persons permitted by the Licensing Act 2003 to submit representations. All four representations raised concerns regarding the proposed extended trading hours to those permitted on the Planning Consent and the additional noise and disturbance this would cause to local residents into the night-time hours. These can be found at **Appendix 4**.

3.8 During the consultation period the applicant agreed to amend his application to match the hours to those permitted by their planning permission. The agreed amended hours are shown in Table 2 below. The licensee’s written agreement can be found at **Appendix 5**.

Table 2

Licensable Activity	Proposed Hours
Sale by Retail of Alcohol for consumption on and off the premises	Monday to Sunday 12:00 to 22:00
Late Night Refreshment (indoors)	No longer required
Recorded Music (indoors) – limited to background music only	Monday to Sunday 12:00 to 22:00
Opening Hours	Monday to Sunday 12:00 to 22:00

3.9 Officers contacted those persons who had submitted representations, and agreement was reached with them to dispense with the need to hold a full hearing, providing any licence granted did not exceed the hours shown in Table 2 above. Confirmation of this can be seen in **Appendix 6**.

4.0 CONCLUSIONS/DETERMINATION OF APPLICATION

4.1 Members are obliged to determine this application with a view to promoting the licensing objectives which are:

- The prevention of crime and disorder
- The prevention of public nuisance
- Public safety
- The protection of children from harm

In making their decision Members are also obliged to have regard to the Statutory Guidance issued under Section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy. Should Members depart from either they must specify their reasons for doing so. Members must also take into account the information contained within this report.

4.2 Members can determine the premises licence application as follows:

- a) to grant the premises licence subject to:
- (i) the conditions that are consistent with the operating schedule accompanying the application modified to such extent as Members consider appropriate for the promotion of the licensing objectives; and
 - (ii) any mandatory conditions that must be included in the licence;
- (b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
- (c) to refuse to specify a person in the licence as the premises supervisor; or
- a) to reject the application.

4.3 When determining this premises licence application, Members are asked to consider the following matters:

- (a) no representations were received from the responsible authorities consulted.
- (b) the agreement reached between all parties reduces the scope of the application originally submitted;
- (c) it is considered by officers that the amendment would have no adverse effect on the general public or any responsible authority;
- (d) both the applicant and those who submitted representations have agreed to dispense with a formal sub-committee hearing, as a result of the amendments in Table 2.

4.4 In determining the premises licence application, Members must provide the reasons for their decisions, and consider their responsibilities under the Human Rights Act 1998, when balancing the rights of the applicant and the rights on those who may be affected.

4.5 If Members believe that the agreement reached satisfies them that the

licensing objectives will be upheld, Members can agree with the applicant and those making representation, and dispense with the need to hold a hearing, and Members may determine the application without hearing any verbal evidence from the applicant or person/body who submitted a representation. If Members still consider the application could have a detrimental impact on one of the licensing objectives, and believe it is in the public interest, they may adjourn the determination, and invite all parties to attend a hearing on a future specified date to answer their questions

4.6 In determining the premises licence application, Members must provide the reasons for their decisions, and consider their responsibilities under the Human Rights Act 1998, when balancing the rights of the applicant and the rights on those who may be affected.

5.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

5.1 The cost of convening a Licensing (Statutory) Sub-Committee to determine an application is covered by the fees paid by licence applicants.

5.2 Should there be a decision to modify the premises operating schedule, exclude a licensable activity from the scope of the licence, refusal to specify a person as the designated premises supervisor or reject the application, the applicant can appeal to the Magistrates' Court. There will be costs associated with this process. The right of appeal is 21 days from the date of notification of the decision.

5.3 Any party who made relevant representations in relation to the application may appeal the decision. There will be costs associated with this process. The right of appeal is 21 days from the date of notification of the decision.

5.4 Equality Impact Assessment (EIA) is not required, as this does not relate to a service provided by the Council or a decision on a change of policy, but an application for a licence by an individual/ organisation.

6.0 APPENDICES

6.1 Appendix 1 Application form

6.2 Appendix 2 Plan of the premises

6.3 Appendix 3 Premises licence operating schedule conditions

6.4 Appendix 4 Representations from other persons

6.5 Appendix 5 Licensee's written agreement to amend trading hours

6.6 Appendix 6 Objectors agreements to dispose of the need for a hearing

Background Documents:

Licensing Act 2003

Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003, December 2022

ECDC Statement of Licensing Policy 2021

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Indian Food (ELY) LTD

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
Indian Edge 9A Broad Street Ely Cambridgeshire CB7 4AJ			
Post town	Ely	Postcode	CB7 4AJ

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£11,250

Part 2 - Applicant details

Please state whether you are applying for a premises licence as appropriate

Please tick as

- | | |
|--|-----------------------------|
| a) an individual or individuals * | please complete section (A) |
| b) a person other than an individual * | |
| i as a limited company/limited liability partnership | please complete section (B) |
| ii as a partnership (other than limited liability) | please complete section (B) |
| iii as an unincorporated association or | please complete section (B) |
| iv other (for example a statutory corporation) | please complete section (B) |
| c) a recognised club | please complete section (B) |
| d) a charity | please complete section (B) |

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a
 statutory function or
 a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
Date of birth over		I am 18 years old or		Please tick yes	
Nationality					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name	Indian Food (ELY) LTD
Address	9A Broad Street Ely Cambridgeshire CB7 4AJ
Registered number (where applicable)	14611645
Description of applicant (for example, partnership, company, unincorporated association etc.)	Limited company

Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start? DD MM YYYY
1 7 0 4 2 0 2 3

If you wish the licence to be valid only for a limited period, when do you want it to end? DD MM YYYY
[][][][][][][][][]

Please give a general description of the premises (please read guidance note 1)

Indian Restaurant

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend. 4960

What licensable activities do you intend to carry on from the premises?
(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

- | | |
|---|----------------------------|
| Provision of regulated entertainment (please read guidance note 2) | Please tick all that apply |
| a) plays (if ticking yes, fill in box A) | |
| b) films (if ticking yes, fill in box B) | |
| c) indoor sporting events (if ticking yes, fill in box C) | |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | |
| e) live music (if ticking yes, fill in box E) | |
| f) recorded music (if ticking yes, fill in box F) | X |
| g) performances of dance (if ticking yes, fill in box G) | |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | |

Provision of late night refreshment (if ticking yes, fill in box I) X

Supply of alcohol (if ticking yes, fill in box J) X

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon				Please give further details here (please read guidance note 4)	
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon				Both	
			Please give further details here (please read guidance note 4)		
			State any seasonal variations for the exhibition of films (please read guidance note 5)		
			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Tue			
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
				Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon				Please give further details here (please read guidance note 4)	
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	X	
Day	Start	Finish		Outdoors		
Mon	17:00	23:00		Please give further details here (please read guidance note 4) Recorded music to be played as background music only		
Tue	17:00	23:00				
Wed	17:00	23:00	State any seasonal variations for the playing of recorded music (please read guidance note 5)			
Thur	17:00	23:00				
Fri	17:00	00:00	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)			
Sat	17:00	00:00				
Sun	17:00	23:00				

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Mon				Outdoors	
				Both	
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	
					Outdoors	
Day	Start	Finish			Both	X
Mon			Please give further details here (please read guidance note 4)			
Tue						
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 5)			
Thur						
Fri	23:00	00:00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)			
Sat	23:00	00:00				
Sun						

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises				
				Off the premises				
				Both	X			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)					
Mon	17:00	23:00						
Tue	17:00	23:00						
Wed	17:00	23:00						
Thur	17:00	23:00						
Fri	17:00	00:00						
Sat	17:00	00:00						
Sun	17:00	23:00						
						Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
Mon	17:00	23:00						
Tue	17:00	23:00						
Wed	17:00	23:00						
Thur	17:00	23:00						
Fri	17:00	00:00						
Sat	17:00	00:00						
Sun	17:00	23:00						

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	Mohammed Shamim Ahmed
Date of birth	
Address	
Postcode	
Personal licence number (if known)	20/00539/LIQ_01
Issuing licensing authority (if known)	ECDC

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	17:00	23:00	<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left please list (please read guidance note 6)</p>
Tue	17:00	23:00	
Wed	17:00	23:00	
Thur	17:00	23:00	
Fri	17:00	00:00	
Sat	17:00	00:00	

Sun	17:00	23:00	

M

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

See separate attachment

b) The prevention of crime and disorder

See separate attachment

c) Public safety

See separate attachment

d) The prevention of public nuisance

See separate attachment

e) The protection of children from harm

See separate attachment

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee. X
- I have enclosed the plan of the premises. V
X
- I have sent copies of this application and the plan to responsible authorities and others where applicable. X
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. X
- I understand that I must now advertise my application. X
- I understand that if I do not comply with the above requirements my application will be rejected. X
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15). X

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid
--------------------	---

	<p>if I cease to be entitled to live and work in the UK (please read guidance note 15):</p> <ul style="list-style-type: none"> The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	3/04/2023
Capacity	Director

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

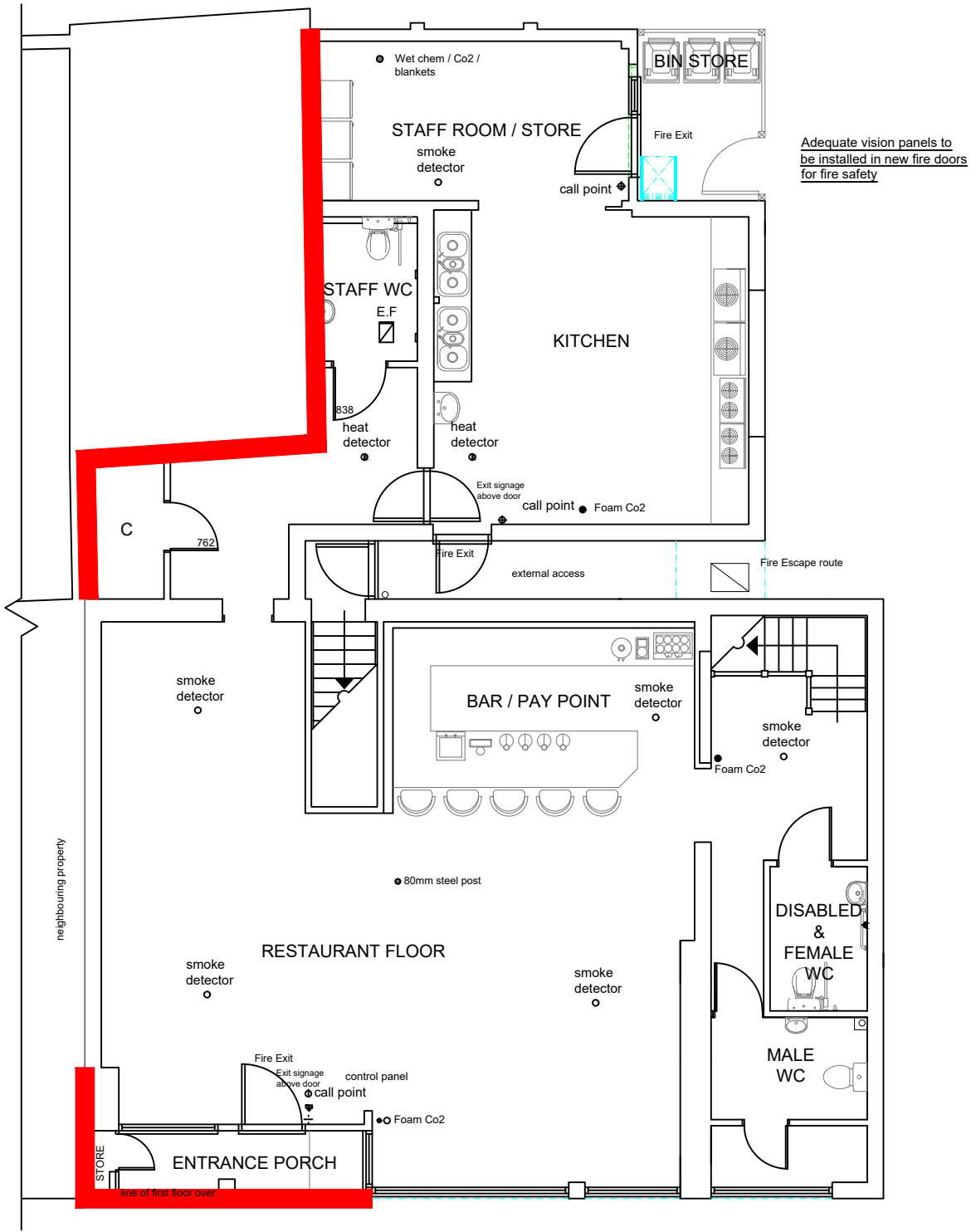
<p>Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) Mizanur Rahman</p>			
Post town		Postcode	
Telephone number (if any)			
<p>If you would prefer us to correspond with you by e-mail, your e-mail address (optional)</p>			

Plan of the premises

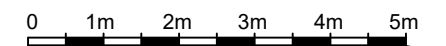
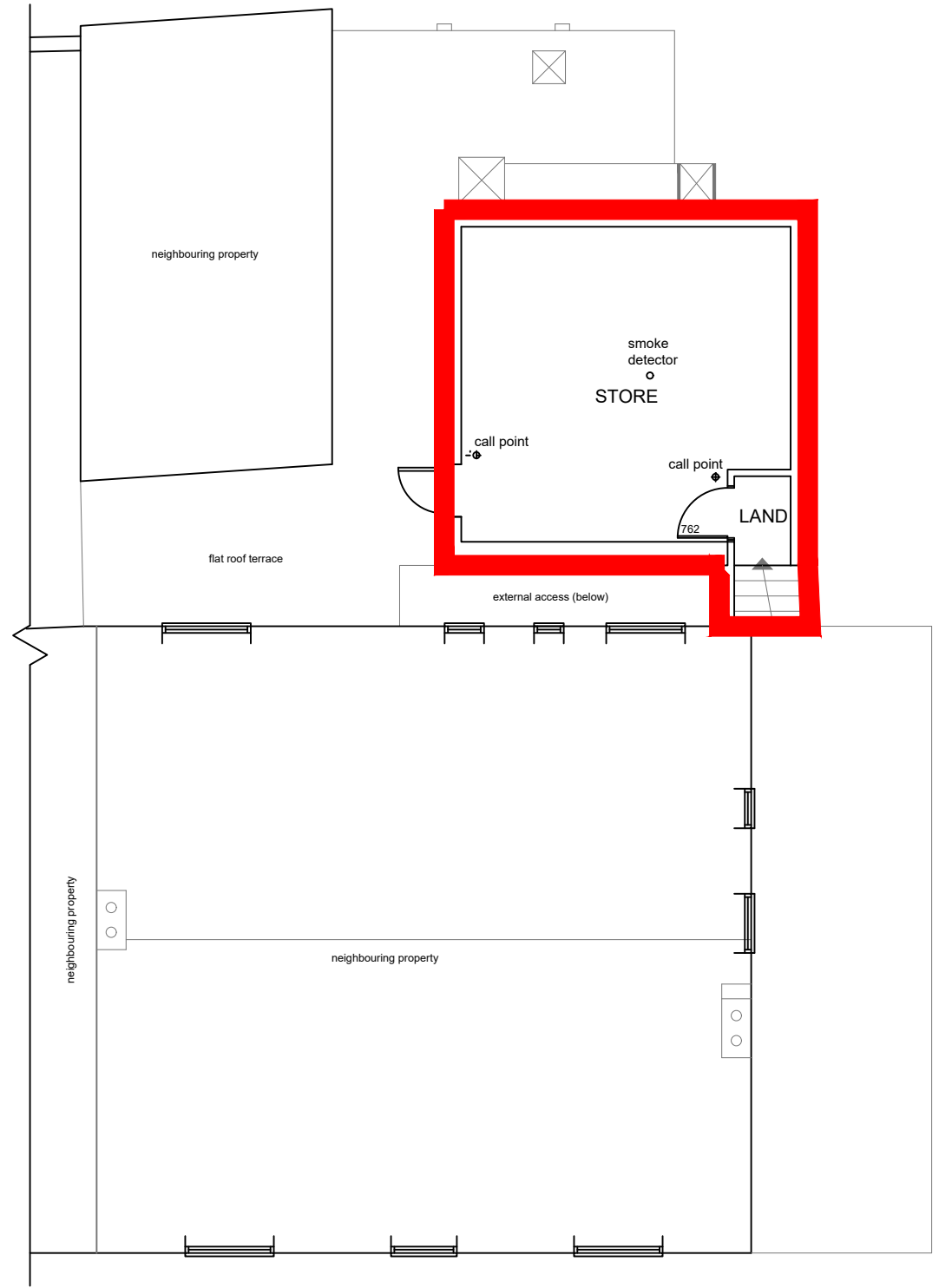
*DO NOT SCALE FROM DRAWINGS
 *DIMENSIONS TO BE CHECKED ON SITE.
 *ALL WORK TO COMPLY WITH THE CURRENT BUILDING REGULATIONS.
 *ALL WORKS MAY BE SUBJECT TO REVISION ON SITE.

No dimensions are to be scaled from this drawing, figured dimensions only shall be used. All components shall be measured on site prior to manufacture.

- Key:
- Foam Co2
 - Wet chem / Co2 / blankets
 - smoke detector
 - heat detector
 - ◆ call point
 - ▼ Sounder beacon
 - ▼ control panel



Agenda Item 3 Appendix 2



Contract :
 CHANGE OF USE TO INDIAN
 RESTAURANT / TAKEAWAY, 9A
 BROAD STREET, ELY, CAMBS.

Title :
 GROUND AND FIRST FLOOR
 PLANS AS PROPOSED

These drawings are the
 COPYRIGHT of Greg
 Saberton Design.
 Unauthorised
 copying is not permitted.

Revisions :

Scale : 1 : 100
 Date : DEC 2022
 Drawing Number : 05 / 2895 / 22

GREG SABERTON DESIGN
 ARCHITECTURAL DESIGN CONSULTANCY
 Tom's Hole Barn, Branch Bank, Prickwillow, Ely, Cambridgeshire, CB7 4UR
 Tel/Fax : 01353 687999
 Email : greg@gregsabertondesign.co.uk

Operating Schedule Conditions

1. A video/CCTV system displaying the correct time and date of the recording shall be in operation with sufficient cameras to monitor all internal and external areas where licensable activities take place and be capable of producing immediate copies on site either recorded digitally on to CD/DVD or other equivalent medium. A person competent in producing visual recordings to the police or an authorised officer on demand to be present on the premises at all times.
2. All recording to be retained and stored in a suitable and secure manner for a minimum of 28 days and be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.
3. CCTV monitoring and recording equipment (including any mobile units in use at the premises) to be maintained at all times in a working condition.
4. All staff/individuals engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales with training records available for inspection by the police or other authorised officer on request.
 - induction training which must be completed and documented prior to the sale of alcohol by the staff member.
 - refresher/reinforcement training at intervals of no more than 6 months.
5. The designated premises supervisor shall authorise in writing the names of the staff members/individuals suitably trained to be responsible for the sale of alcohol at the premises in his/her absence.
6. A zero tolerance drug policy to be implemented at the premises and appropriate drug awareness staff training shall take place with training records maintained and made available on request to the Police or an Authorised Officer.
7. Recorded music to be limited to internal background music only.
8. Noise or vibration from licensable activities must not emanate from the premises so as to cause a nuisance at nearby properties.
9. The placing of refuse and empty bottles into outside receptacles shall not take place during the night-time hours between 21:00 and 07:00 to minimise disturbance to nearby properties.
10. Clear and legible notices to be prominently displayed at all premises exits to request patrons to respect the needs of local residents and to leave the premises and surrounding area quietly.
11. The premises licence holder shall ensure that an age verification policy will apply to the premises whereby all bar staff will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.
12. An incident book to record the refusal of alcohol sales and/or ejections from the premises to be maintained on the premises and this book to be made available on request to the police or an authorised officer

13. Photographic identification to be produced by the customer where proof of age is required before alcohol is supplied. This procedure to be relayed to customers when taking telephone orders of alcohol and customers to be advised at the time of placing their order that the delivery driver reserves the right to refuse delivery of alcohol to them.

Stewart Broome

From: gordon phillips
Sent: 18 April 2023 18:44
To: Lin Bagwell
Subject: [EXTERNAL] Re: Alcohol Licence Application for Indian Edge at 9A Broad Street, Ely, Cambridgeshire, CB7 4AJ

Caution: External email. Do not click links or open attachments unless you recognise the sender and know the content is safe. The original sender of this email is gordon phillips

Dear Lin,

Thank you for your telephone call this afternoon, and for your e-mail below.

Just to confirm, we definitely wish our e-mail of the 16th April 2023 to be taken as a formal objection to the application for a Licence to serve alcohol at the above premises beyond 22:00 hours on any day of the week.

As explained in our e-mail of the 16th April 2023, the main reason we object is that Indian Edge is located in a predominantly residential area, and late night opening would inevitably result in increased noise late into the night.

If they have no intention of opening after 22:00 hours, it is beyond pointless to grant them a Licence to serve alcohol after that time.

Yours sincerely,

Gordon & Marie Phillips


On 18/04/2023 16:26, Lin Bagwell wrote:

Dear Gordon & Marie

Thank you for your email, which I have discussed with Stewart Broome, Senior Licensing Officer, and for my telephone conversation with Gordon today. Stewart has asked me to respond to your email as below.

The way licensing and planning interact is very much as two separate regulatory functions, but I can confirm that the hours permitted on the planning consent were pointed out to the applicants before they submitted the licensing application. However, the law enables a person to apply for licensing hours outside of the planning permission hours, and this is what the applicant has decided to do.

The way the regulatory functions work is simply this, where trading exceeds planning permission hours, our planners enforce the breach, and where the trading exceeds the licensing hours, we enforce the breach.

Condition 7 of the planning permission states, "the use hereby permitted shall not take place other than between the hours of 12:00-22:00 each day Monday to Sunday. Deliveries to and from the site shall not occur outside of the above times."

Whilst this remains a condition of the licence it will not matter if any successful application for a licence contains hours beyond this time, they would be acting illegally if they breach the planning restriction.

Having assessed your comment, I can confirm that it just meets the threshold to be considered a valid representation, but given the information within this email, I would ask whether you still wish for it to be considered as such. The implication of submitting an objection is that the application must be determined by a Licensing Sub-Committee, and this will entail either a full hearing, or if you and the applicant (and any other possible objectors) agree terms, it would require a closed ratification hearing.

Please let me know how you wish me to treat your email as soon as possible.

Best wishes

Lin

Lin Bagwell
Licensing Officer (Enforcement)
East Cambridgeshire District Council
Tel: 01353 616477
Mobile: 07776244488

Email: lin.bagwell@eastcambs.gov.uk

[Pay, report, apply online 24 hours a day](#)



From: gordon phillips
Sent: 16 April 2023 09:03
To: Licensing <Licensing@eastcambs.gov.uk>
Subject: [EXTERNAL] Alcohol Licence Application for Indian Edge at 9A Broad Street, Ely, Cambridgeshire, CB7 4AJ

Caution: External email. Do not click links or open attachments unless you recognise the sender and know the content is safe. The original sender of this email is gordon phillips <gordon.phillips2@ntlworld.com>

Good morning,

We were dismayed today when we saw that the owners of Indian Food (ELY) LTD have applied for a Licence to serve alcohol at the above premises from 17:00 to 23:00 from Sunday to Thursday, and from 17:00 to 00:00 on Friday and Saturday.

This goes against the restriction that was put on them when they were granted planning permission to change the use of 9A Broad Street Ely Cambridgeshire CB7 4AJ to a restaurant/take away, as at that time they were told that they were required to close by 22:00 each day.

This property is in a completely unsuitable location for late night opening, as this is a predominantly residential area, and late night opening would inevitably result in increased noise late into the night. Also, if this permission is granted, this would be the latest opening Indian Restaurant in Ely.

We are left wondering which other restrictions that were applied when Planning Permission for change of use was granted will now be watered down or be completely overridden.

For the above reasons we strongly object to the opening hours of this new Restaurant/Take Away being extended beyond the 22:00 limit that was laid down when Planning Permission was granted for change of use of the premises.

Yours faithfully,

Gordon & Marie Phillips



We are committed to reducing single-use plastics #bringyourownbottle

CONFIDENTIALITY NOTICE

The information contained in this e-mail is intended for the named recipient(s) only. If you are not the intended recipient you may not copy, distribute or take any action or reliance on it. If you have received this e-mail in error please notify the sender immediately by replying to the e-mail address or by telephoning 01353 665555.

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All reasonable precautions have been taken to ensure no viruses are present in this e-mail however, the Council cannot accept responsibility for any loss or damage arising from the use of this email or attachments. .



**THE LICENSING ACT 2003
REPRESENTATION FORM FOR OTHER PERSONS**

An 'other person' is any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates regardless of the geographic proximity to the premises.

Full name	CAROLINE HOOKER
Title	MRS
Postal address (inc post code)	[REDACTED] BROAD STREET ELY [REDACTED]
Contact telephone number	[REDACTED]
Mobile telephone number	[REDACTED]
Email address	[REDACTED]

Name of premises you are making a representation about	INDIAN EDGE
Address of the premises you are making a representation about	9 A BROAD STREET, ELY, CAMBS , CB7 4AJ

This section is about your representation which must relate to one or more of the Licensing Objectives.

Please detail the evidence supporting your representation under the relevant headings, the reason for raising the representation and include all matters you wish to be considered (use additional sheets if necessary).

When considering representations the Licensing Authority may take into account documentary evidence or other information produced by 'other persons' either before the hearing or, with the consent of all parties, at the hearing.

Which licensing objective(s) does your representation relate to?	Detail the evidence supporting your representation, or the reason(s) for your representation (use additional sheets if necessary)
The prevention of crime and disorder	Public safety

<p>The prevention of public nuisance ✓ I believe that the late opening hours will cause considerable noise disturbance to the residential properties surrounding this restaurant, both from the music and diners inside the building and also from customers when they enter and</p>	<p>The protection of children from harm leave the building. There is also a high likelihood of anti-social behaviour from diners late at night. There will also be considerable noise due to people driving/walking to collect takeaways.</p>
<p>Suggested conditions that could be added to assist the Licensing Authority in determining this application, or other suggestions you would like the Licensing Authority to take into account (use additional sheets if necessary)</p>	

If the Licensing Authority considers that relevant representations have been raised, a mediation meeting between the relevant parties (if all agree) may be arranged to try to reach a settlement. If this informal process is unsuccessful a hearing before the Licensing Sub-Committee will be arranged unless all representations are withdrawn.

All representations in their entirety will be disclosed to the applicant for a premises licence or club premises certificate.

Signed [redacted] Date ... 01-05-23

Please print designation [redacted]

Please return this form along with any additional sheets to:

Licensing Team
 Environmental Services
 East Cambridgeshire District Council
 The Grange
 Nutholt Lane
 Ely
 CB7 4EE

Telephone: 01353 665555

Email: licensing@eastcambs.gov.uk

This form must be returned within the statutory period, which is 28 days from the day after the day on which the applicant served the application on the Licensing Authority.

Due to tight timescales involved and to assist the determination of the application process any representations should be forwarded to the Licensing Authority as soon as possible and preferably within 14 days of notification of the application.

If in any doubt, please contact the Licensing Team as above.



**THE LICENSING ACT 2003
REPRESENTATION FORM FOR OTHER PERSONS**

An 'other person' is any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates regardless of the geographic proximity to the premises.

Full name	Helen Graham & Nigel Graham	
Title	Mrs	Mr
Postal address (inc post code)	Fosbyll El CB7 4AQ	
Contact telephone number		
Mobile telephone number		
Email address		
Name of premises you are making a representation about	9A Broad Street Indian Edge	
Address of the premises you are making a representation about	9A Broad Street	

This section is about your representation which must relate to one or more of the Licensing Objectives.
Please detail the evidence supporting your representation under the relevant headings, the reason for raising the representation and include all matters you wish to be considered (use additional sheets if necessary).
When considering representations the Licensing Authority may take into account documentary evidence or other information produced by 'other persons' either before the hearing or, with the consent of all parties, at the hearing.

Which licensing objective(s) does your representation relate to?	Detail the evidence supporting your representation, or the reason(s) for your representation (use additional sheets if necessary)
The prevention of crime and disorder	Public safety

<p>The prevention of public nuisance ✓ <i>In accordance with the East Cambs District Council Approval of the Planning application.</i> <u>Points 7.</u></p>	<p>The protection of children from harm</p>
<p>Suggested conditions that could be added to assist the Licensing Authority in determining this application, or other suggestions you would like the Licensing Authority to take into account (use additional sheets if necessary)</p> <p><i>It is disappointing that the application for an extension of the opening hours has been requested even before premises has been opened.</i></p>	

If the Licensing Authority considers that relevant representations have been raised, a mediation meeting between the relevant parties (if all agree) may be arranged to try to reach a settlement. If this informal process is unsuccessful a hearing before the Licensing Sub-Committee will be arranged unless all representations are withdrawn.

All representations in their entirety will be disclosed to the applicant for a premises licence or club premises certificate.

Signed [REDACTED] Date 17/4/2023

Please print designation Resident

Please return this form along with any additional sheets to:

Licensing Team
 Environmental Services
 East Cambridgeshire District Council
 The Grange
 Nutholt Lane
 Ely
 CB7 4EE

Telephone: 01353 665555

Email: licensing@eastcambs.gov.uk

This form must be returned within the statutory period, which is 28 days from the day after the day on which the applicant served the application on the Licensing Authority.

Due to tight timescales involved and to assist the determination of the application process any representations should be forwarded to the Licensing Authority as soon as possible and preferably within 14 days of notification of the application.

If in any doubt, please contact the Licensing Team as above.



THE LICENSING ACT 2003
 REPRESENTATION FORM FOR OTHER PERSONS

An 'other person' is any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates regardless of the geographic proximity to the premises.

Full name	ELIZABETH BASSETT
Title	MISS
Postal address (inc post code)	FOREHILL ELY
Contact telephone number	[REDACTED]
Mobile telephone number	[REDACTED]
Email address	[REDACTED]

Name of premises you are making a representation about	INDIAN EDGE
Address of the premises you are making a representation about	9A BROAD STREET ELY, CAMBRIDGESHIRE CB7 4AJ

This section is about your representation which must relate to one or more of the Licensing Objectives.
 Please detail the evidence supporting your representation under the relevant headings, the reason for raising the representation and include all matters you wish to be considered (use additional sheets if necessary).
 When considering representations the Licensing Authority may take into account documentary evidence or other information produced by 'other persons' either before the hearing or, with the consent of all parties, at the hearing.

Which licensing objective(s) does your representation relate to?	Detail the evidence supporting your representation, or the reason(s) for your representation (use additional sheets if necessary)
The prevention of crime and disorder	Public safety

EAST CAMBRIDGESHIRE
No CLC
 20 APR 2023 DMS
 DISTRICT COUNCIL

<p>The prevention of public nuisance</p> <p>The application for recorded music and retail of alcohol goes against the conditions of approval in the planning permission for the property 22/00512/FUL 22/00512/FUL</p>	<p>The protection of children from harm</p>
---	---

Suggested conditions that could be added to assist the Licensing Authority in determining this application, or other suggestions you would like the Licensing Authority to take into account (use additional sheets if necessary)

22/00512/FUL Approval of change of use -
 see additional conditions of attached letter no: 7
 - reason - to safeguard the residential amenity of neighbouring occupiers, use as restaurant/take away shall not take place unless between 12:00 to 22:00.

If the Licensing Authority considers that relevant representations have been raised, a mediation meeting between the relevant parties (if all agree) may be arranged to try to reach a settlement. If this informal process is unsuccessful a hearing before the Licensing Sub-Committee will be arranged unless all representations are withdrawn.

All representations in their entirety will be disclosed to the applicant for a premises licence or club premises certificate.

Signed [REDACTED] Date 14/11/2023

Please print designation A neighbouring occupier.

Please return this form along with any additional sheets to:

Licensing Team
 Environmental Services
 East Cambridgeshire District Council
 The Grange
 Nutholt Lane
 Ely
 CB7 4EE

Telephone: 01353 665555

Email: licensing@eastcambs.gov.uk

This form must be returned within the statutory period, which is 28 days from the day after the day on which the applicant served the application on the Licensing Authority.

Due to tight timescales involved and to assist the determination of the application process any representations should be forwarded to the Licensing Authority as soon as possible and preferably within 14 days of notification of the application.

If in any doubt, please contact the Licensing Team as above.

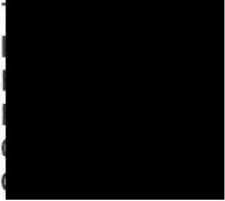


EAST CAMBRIDGESHIRE DISTRICT COUNCIL

THE GRANGE, NUTHOLT LANE,
ELY, CAMBRIDGESHIRE CB7 4EE

Telephone: Ely (01353) 665555
DX41001 ELY Fax: (01353) 665240
www.eastcambs.gov.uk

Mr M Rahman
C/O Greg Saberton Design



This matter is being dealt with by:

Rachael Forbes

Telephone: 01353 616300
E-mail: rachael.forbes@eastcambs.gov.uk
My Ref: 22/00512/FUL
Your ref

28th October 2022

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990

PLANNING PERMISSION

Subject to conditions

The Council hereby **approves** the following development:

Proposal: Change of use to restaurant/take away
Location: 9A Broad Street Ely Cambridgeshire CB7 4AJ
Applicant: Mr M Rahman

This consent for planning permission is granted in accordance with the application reference 22/00512/FUL registered 15th June 2022.

Subject to the additional conditions set out below:

ADDITIONAL CONDITIONS

1 Development shall be carried out in accordance with the drawings and documents listed below

Plan Reference	Version No	Date Received
06/2895/22	B	17th August 2022
Servicing Plan		17th August 2022
Ventilation System Full Report		17th August 2022
Arboricultural Impact Assessment	V2	18th October 2022
01/2895/22		8th June 2022
Noise Impact Assessment	2	17th August 2022
02/2895/22	A	23rd June 2022
05/2895/22	A	23rd June 2022

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 Prior to first use a scheme of biodiversity improvements shall be submitted to and agreed in writing with the Local Planning Authority. The biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 3 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and the Natural Environment SPD, 2020.
- 4 Prior to the first use of the development, hereby approved, the extract system silencer shall be installed in accordance with the approved Ventilation System Full Report by Fanworks Ltd, dated 19th July 2022 and Noise Impact Assessment by Noise Assessments Ltd, dated 1st August 2022. Thereafter the approved use shall not take place unless the silencer is installed in accordance with those approved documents.
- 4 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 5 The specific rated noise level emitted from the site shall not exceed the existing background noise level. The free field sound level shall be measured and/or calculated at the boundary of the nearest noise sensitive property. The noise level shall be measured and/or calculated in accordance with BS 4142:2014+A1:2019.
- 5 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 6 Prior to the first use of the development, hereby approved, the extract system shall be installed in accordance with the approved Ventilation System Full Report, by Fanworks Ltd, dated 19th July 2022 and Noise Impact Assessment, by Noise Assessments Ltd, dated 1st August 2022. Thereafter the extract system shall be maintained in accordance with those approved documents and the approved use shall not take place unless the approved extract system is operational.
- 6 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 7 The use hereby permitted shall not take place other than between the hours of 12:00-22:00 each day Monday to Sunday. Deliveries to and from the site shall not occur outside of the above times.
- 7 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 8 Deliveries and waste collection shall be carried out in accordance with the details in 2598 Servicing Plan by Greg Saberton Design.
- 8 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 9 All works shall be carried out in accordance with the Arboricultural Impact Assessment, P2758-AIA 01 V2, dated 18th October 2022. If, during construction, it becomes apparent that further works or changes are required, work shall not progress any further on site until the applicant has secured a site meeting with a suitably qualified professional to agree the details and phasing of any tree surgery

works not detailed in the submitted report. For any works not agreed in the approved document(s), a written schedule shall be submitted to and approved in writing by the Local Planning Authority, and the works carried out in accordance with these approved details.

- 9 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 10 No hardstanding/surfacing shall be laid at the site without the prior written consent of the Local Planning Authority.
- 10 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 11 The materials to be used in the construction of the external surfaces of the development shall be either:
 - a. As detailed on drawing number 06/2895/22 Rev B; or,
 - b. Submitted to and approved in writing by the Local Planning Authority prior to their use in the construction of the development.

All works shall be carried out in accordance with the approved details.

- 11 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015.
- 12 No external plant or machinery shall be brought onto the site other than that expressly authorised by this permission.
- 12 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

INFORMATIVES RELATING TO THIS APPLICATION

- 1 The comments of the East Cambridgeshire Access Group regarding requirements and recommendations for accessibility of the development are attached for your attention.
- 2 The applicant/developers attention is drawn to the guidance notes issued by the Council's Environmental Health on potential nuisance during construction and demolition works which is available on our website <http://eastcambs.gov.uk/planning/guidance-leaflets>. All reasonable measures should be taken to prevent nuisance during demolition and construction works, with reference to those notes.
- 3 The decision to approve this application has been taken, having regard to the policies and proposals in the Local Development Plan and all relevant material considerations, including the NPPF. The proposal is considered to be in accordance with the policies of the Development Plan, that are considered to be up to date, and represents 'sustainable' development in compliance with the provisions of the NPPF. The application has been subject to pre-application advice/extensive discussion and amendments have been made that address officer concerns in regards to noise and odour, servicing and trees.

PLEASE ALSO NOTE THAT THIS PERMISSION IS GRANTED SUBJECT TO DUE COMPLIANCE WITH THE BYE-LAWS AND GENERAL STATUTORY PROVISION IN FORCE IN THE DISTRICT AND DOES NOT CONSTITUTE APPROVAL UNDER BUILDING REGULATIONS. YOU ARE ADVISED TO CONTACT THE BUILDING REGULATIONS SECTION IF YOU WISH TO DISCUSS THIS FURTHER



Dated: 28th October 2022



Sally Bonnett
Director Community

Licensee's written agreement to amend trading hours

Dear Licensing

Please accept this letter as confirmation of my request to reduce the hours contained in my recent application for a premises licence for Indian Edge reference 23/00066/LIQ_02 to the following:

Recorded Music Monday to Sunday 12:00 to 22:00 hours

Sale by Retail of Alcohol Monday to Sunday 12:00 to 22:00 hours

Premises Opening Hours Monday to Sunday 12:00 to 22:00 hours

All other aspects of the application remain as applied for.

Yours faithfully,

A large black rectangular redaction box covering the signature area.

Mr Mizanur Rahman.

25.04.2023

Objectors agreements to dispose of the need for a hearing**Stewart Broome**

From: Lin Bagwell
Sent: 16 May 2023 14:52
To: DMS
Subject: Licensing Act 2003 - Indian Edge - Application for a premises licence

From: caroline westlake
Sent: 16 May 2023 14:42
To: Lin Bagwell <Lin.Bagwell@eastcambs.gov.uk>
Subject: [EXTERNAL] Re: Licensing Act 2003 - Indian Edge - Application for a premises licence

Caution: External email. Do not click links or open attachments unless you recognise the sender and know the content is safe. The original sender of this email is [_____](#)

Good afternoon Lin

Thank you for your email. I do agree to dispense with the need to hold a full Licensing Sub-Committee Hearing, providing the issued licence complies with these reduced hours.

Kind regards

Caroline

From: Lin Bagwell <Lin.Bagwell@eastcambs.gov.uk>
Sent: 15 May 2023 14:04
To:
Subject: FW: Licensing Act 2003 - Indian Edge - Application for a premises licence

Hi Carol

I write further to my email below regarding your representation against the proposed extended licensing + premises opening hours as applied for in the above premises licence application.

As the applicant has agreed to reducing the hours on his premises licence application to match those of the planning constraint, which are Monday to Sunday 12:00 to 22:00 hours, **please confirm by return of email if you agree to dispense with the need to hold a full Licensing Sub-Committee Hearing, providing the issued licence complies with these reduced hours.**

The application can then be ratified in the absence of all parties, and the licence will be issued with the licensing + opening hours of **Monday to Sunday 12:00 to 22:00 hours.**

I look forward to receiving your email response.

Best wishes

Lin

Lin Bagwell
 Licensing Officer (Enforcement)
 East Cambridgeshire District Council
 Tel: 01353 616477
 Mobile: 07776244488
 Email: lin.bagwell@eastcambs.gov.uk

Stewart Broome

From: gordon phillips
Sent: 26 April 2023 14:10
To: Lin Bagwell
Subject: [EXTERNAL] Re: Licensing Act 2003 - Indian Edge - Application for a premises licence

Caution: External email. Do not click links or open attachments unless you recognise the sender and know the content is safe. The original sender of this email is gordon phillips

Dear Lin,

Thank you for your e-mail.

On condition the restaurant agrees to reducing the hours on their premises licence application to match those of the planning constraint, which are **Monday to Sunday 12:00 to 22:00 hours**, we agree to dispense with the need to hold a full Licensing Sub-Committee Hearing.

Yours sincerely,

Gordon & Marie Phillips

On 26/04/2023 13:54, Lin Bagwell wrote:

Good afternoon

I write further to your objection to the proposed extended licensing + premises opening hours as applied for in the above premises licence application.

I am pleased to advise you that I have received a letter from the applicant, stating that he agrees to reducing the hours on his premises licence application to match those of the planning constraint, which are **Monday to Sunday 12:00 to 22:00 hours**.

As the point you have objected to has now been resolved, please confirm by return of email that you agree to dispense with the need to hold a full Licensing Sub-Committee Hearing, providing the issued licence complies with these reduced hours.

If you agree, the application will be ratified in the absence of all parties, and the licence will be issued with the licensing + opening hours of **Monday to Sunday 12:00 to 22:00 hours** .

I look forward to hearing back from you at your earliest convenience.

Best wishes

Lin

Lin Bagwell
Licensing Officer (Enforcement)
East Cambridgeshire District Council
Tel: 01353 616477
Mobile: 07776244488

Stewart Broome

From: Helen Graham
Sent: 26 April 2023 16:45
To: Lin Bagwell
Subject: [EXTERNAL] Re: Licensing Act 2003 - Indian Edge - Application for a premises licence

Caution: External email. Do not click links or open attachments unless you recognise the sender and know the content is safe. The original sender of this email is Helen Graham

Dear Lin

Thank you for sending the update concerning the application for extended licence plus premises opening hours.

We are very pleased to hear that the applicant has agreed to reducing the hours on his premises licence to match those of the planning constraint.

We confirm that we agree that the licence will be issued with the licensing + opening hours of **Monday to Sunday 12:00 to 22:00 hours.**

Kind regards

Helen and Nigel Graham

On Wed, Apr 26, 2023 at 1:54 PM Lin Bagwell <Lin.Bagwell@eastcambes.gov.uk> wrote:

Good afternoon

I write further to your objection to the proposed extended licensing + premises opening hours as applied for in the above premises licence application.

I am pleased to advise you that I have received a letter from the applicant, stating that he agrees to reducing the hours on his premises licence application to match those of the planning constraint, which are **Monday to Sunday 12:00 to 22:00 hours.**

As the point you have objected to has now been resolved, please confirm by return of email that you agree to dispense with the need to hold a full Licensing Sub-Committee Hearing, providing the issued licence complies with these reduced hours.

If you agree, the application will be ratified in the absence of all parties, and the licence will be issued with the licensing + opening hours of **Monday to Sunday 12:00 to 22:00 hours .**

I look forward to hearing back from you at your earliest convenience.

Stewart Broome

From: Elizabeth Bassett
Sent: 26 April 2023 18:25
To: Lin Bagwell
Subject: [EXTERNAL] Re: Licensing Act 2003 - Indian Edge - Application for a premises licence

Caution: External email. Do not click links or open attachments unless you recognise the sender and know the content is safe. The original sender of this email is

Dear Lin

Thank you for your email.

I am pleased to hear that the applicant has agreed to reduce the hours on the premises licence to match those of the planning constraint.

I confirm that I agree that the licence will be issued with the licensing + opening hours of **Monday to Sunday 12:00 to 22:00 hours.**

However, my overall concern about public nuisance even within these hours still stands with regards illegal parking out the front on a dangerous bend and the nuisance of increased use of Back Lane for parking and driving down that is likely to be the outcome of the building's use as a take-away in particular. The smells also will impact on local residents. I realise though that this is more linked to the original planning of use of the building not the license.

I am pleased therefore that the hours have been reduced for the license.

Yours sincerely
Liz Bassett

Sent from [Outlook for Android](#)

From: Lin Bagwell <Lin.Bagwell@eastcambs.gov.uk>
Sent: Wednesday, April 26, 2023 1:54:21 PM
To: Lin Bagwell <Lin.Bagwell@eastcambs.gov.uk>
Subject: Licensing Act 2003 - Indian Edge - Application for a premises licence

Good afternoon

I write further to your objection to the proposed extended licensing + premises opening hours as applied for in the above premises licence application.

I am pleased to advise you that I have received a letter from the applicant, stating that he agrees to reducing the hours on his premises licence application to match those of the planning constraint, which are **Monday to Sunday 12:00 to 22:00 hours.**

As the point you have objected to has now been resolved, please confirm by return of email that you agree to dispense with the need to hold a full Licensing Sub-Committee Hearing, providing the issued licence complies with these reduced hours.