

**THE LICENSING ACT 2003  
REPRESENTATION FORM FOR “RESPONSIBLE AUTHORITY”**

Your name	Karen See
Job Title	Senior Environmental Health Officer
Postal Address (inc post code)	East Cambridgeshire District Council The Grange, Nutholt Lane, Ely, Cambs CB7 4PL
Contact telephone number:	01353 665555
Mobile Number:	
Email address:	Karen.see@eastcambs.gov.uk

Name of Premises you are making a representation about:	The Hereward
Address of the premises you are making a representation about:	45-49 Market Street Ely CB7 4LT

This section is about your representation/s. They must relate to one or more of the Licensing Objectives. Please detail the evidence supporting your representation, (under the relevant headings) and the reason for your representation/s. *It is important that you detail all matters that you wish to be considered. (Use additional sheets if necessary). Regulations provide that in considering representations the authority may take into account documentary or other information produced by the party either before the hearing or, with the consent of all parties, at the hearing.*

Which licensing objective(s) does your representation relate to?	Please detail the evidence supporting your representation, or the reason/s for your representation. (Please use separate sheet if necessary)
The prevention of crime and disorder	Public safety
The prevention of public nuisance	The protection of children from harm

The application site is situated within a city centre but it does have residential properties surrounding it.

I accept that attempts were made by the applicant to discuss their proposals with this Department prior to application stage. Time constraints meant detailed verbal discussions did not occur, as both parties would have liked, and although written advice and guidance on the type of conditions this Department would wish to see placed on any such extension of opening hours was sent through to the Agent in November, this Department's comments crossed over with their submission of the final application. I received the licensing consultation just after my advisory email was sent to the applicants. A copy of my email correspondence and original recommendations is attached for information.

Currently the license operator does appear to have in place good management protocols and employs methods that help to minimise adverse impacts from music and people noise at this site. Officers from this Department have worked with the premises in the past following receipt of noise complaints, and we feel the concerns were taken on board and were satisfactorily addressed.

However there is the now the potential for nuisance from the extension of the opening hours for regulated entertainment from 0100 hours to 0300 hours on Fridays and Saturdays and up to 0100 hours on Sundays. There is also the potential for nuisance from the movement of people into and out of the premises and from issues such as the emptying of refuse late at night, lighting until the early hours etc.

Although the applicant makes reference to the controls they will put in place to address the public nuisance objective this appears to focus on controlling people noise through the restricting and careful monitoring of the external seated area which will close at 2200 hours (as is currently the case) and a new condition requiring door supervisors to be employed with body cams. Such measures would not cover the

prevention of public nuisance from music emanating from the site. The use of door staff is proposed on a risk assessment basis and would therefore be relevant to crime and disorder issues, not how loud any music is, emanating from the site. There is the risk that every time someone enters or leaves the premises, particularly from the side door into the quieter pedestrian paved area, the music from inside will breakout and cause disturbance. I am therefore recommending conditions to restrict the use of this door to certain times, when regulated entertainment is occurring. The front entrance is more suitable for use late at night. Emergency exiting from the side door would however not have to be compromised. .

With later opening times there may also be the added issue of having greater amounts of waste bottles etc later at night. Emptying of waste into external receptacles late at night can be particularly disturbing due to the impact noises that occur.

I do not consider the application offers sufficient detail on how they will adequately minimise adverse impacts of late night music noise and people disturbance.

It is therefore necessary to raise a representation at this stage. However I am confident that suitable licence conditions can be agreed and applied to support the public nuisance prevention objective and am open to further discussions as to how this can best be achieved.

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. Please use separate sheets where necessary.

### **Prevention of Public Nuisance**

1. Noise or vibration from licensable activities must not emanate from the premises so as to cause a nuisance to nearby premises.
2. Live or recorded music shall either cease at midnight on any night or if continuing after midnight it shall not be audible to the external of the premises when windows and doors are closed.
3. Regular aural monitoring of noise levels to take place outside the premises during events involving regulated entertainment by a member of the management team or an appointed member of staff and appropriate measures taken to reduce and control noise emissions at that time if considered to be a breach of condition 1 or if likely to cause excess disturbance to neighbouring properties.
4. An appropriate person to be made responsible for maintaining appropriate written monitoring records of noise levels during regulated entertainment and such records to be made available to the Local Authority on request.
5. Recorded or live music for the final **30** minutes on any night to be reduced to a levels that are considered to be background levels inside.
6. Doors to the external and to internal lobby areas to be fitted with self-closing mechanisms and devices to ensure quiet self-closing.
7. All doors and windows, except when used for entry or exit, shall be kept closed during regulated entertainment.
8. The side door shall not be used for entry or exit after 2300 hours on any night, except in the case of an emergency.
9. Clear and legible notices to be prominently displayed at all premises exits requesting patrons to respect the needs of local residents and to leave the premises quietly.
10. The placing of refuse and empty bottles into outside receptacles shall not take place during the night-time hours of 23:00 and 07:00 to minimize disturbance to nearby properties.
11. Clear and legible notices to be prominently displayed in the smoking area of the premises requesting patrons to respect the needs of local residents and to act in an appropriate manner and keep noise to an acceptable level whilst in the smoking area.
12. Lighting provided in the outside areas to be designed and sited so as not to cause excess glare or light overspill onto neighbouring properties.

Representation for the removal of the Designated Premises Supervisor (*for Police use only*).

If the licensing authority considers that relevant representations are made the licensing section may consider arranging a mediation meeting between the relevant parties (if all agree) to try and reach a settlement. If this informal process is unsuccessful a hearing before the Licensing [Sub-] Committee will follow, unless the interested parties withdraw their representations.

All representations in their entirety will be disclosed to the applicant for the premises licence.

Signed .....K See..... Date ...20<sup>th</sup> December 2018

...Karen See, Senior Environmental Health Officer...  
Please print designation

Please return this form along with any additional sheets to:

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

Telephone: 01353 665555

Email: [licensing@eastcambs.gov.uk](mailto: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 gave the application to the licensing authority.**

**However, because of the tight timescales involved, and to assist in 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 on the above telephone number.**