



LICENSING SUB-COMMITTEE

To: Councillors Austin, Benstead and Owers

Despatched: Friday, 12 June 2015

Date: Monday, 22 June 2015

Time: 10.00 am

Venue: Committee Room 1 & 2 - Guildhall

Contact: Sarah Steed

Direct Dial: 01223 457086

AGENDA

- 1 **Appointment of a Chair**
- 2 **Declarations of Interest**
- 3 **Meeting Procedure**
- 4 **Pink Elephant, 16 Milton Road, Cambridge, CB4 2JF** *(Pages 7 - 40)*

Information for the Public

Location The meeting is in the Guildhall on the Market Square (CB2 3QJ).

Between 9 a.m. and 5 p.m. the building is accessible via Peas Hill, Guildhall Street and the Market Square entrances.

After 5 p.m. access is via the Peas Hill entrance.

All the meeting rooms (Committee Room 1, Committee 2 and the Council Chamber) are on the first floor, and are accessible via lifts or stairs.

Public Participation Some meetings may have parts, which will be closed to the public, but the reasons for excluding the press and public will be given.

To speak at a Licensing hearing, you must have made a representation during the consultation period on the relevant application and registered your intention to speak with Democratic Services prior to the hearing.

The Licensing department can be contacted on 01223 457000 or licensing@cambridge.gov.uk.

For general advice about speaking at committees please contact Democratic Services on 01223 457013 or democratic.services@cambridge.gov.uk.

Filming, recording and photography The Council is committed to being open and transparent in the way it conducts its decision making. The public may record (e.g. film, audio, tweet, blog) meetings which are open to the public.

Anyone who does not want to be recorded should let the Chair of the meeting know. Those recording meetings are strongly urged to respect the wish of any member of the public not to be recorded.

- Fire Alarm** In the event of the fire alarm sounding please follow the instructions of Cambridge City Council staff.
- Facilities for disabled people** Level access to the Guildhall is via Peas Hill.
- A loop system is available in Committee Room 1, Committee Room 2 and the Council Chamber.
- Accessible toilets are available on the ground and first floor.
- Meeting papers are available in large print and other formats on request prior to the meeting.
- For further assistance please contact Democratic Services on 01223 457013 or democratic.services@cambridge.gov.uk.
- Queries on reports** If you have a question or query regarding a committee report please contact the officer listed at the end of relevant report or Democratic Services on 01223 457013 or <http://democracy.cambridge.gov.uk/>
- General Information** Information regarding committees, councilors and the democratic process is available at www.cambridge.gov.uk/democracy.
- Mod.Gov App** You can get committee agenda and reports for your tablet by using the mod.gov app

Licensing Act 2003 - Licensing Sub-Committee: Hearings Procedure

Preliminary Matters

1. **The Chair** will commence the hearing by introducing him/herself, the other two members of the Sub-Committee and the officers present.
2. **The Chair** will ask the applicant(s)/the responsible authorities/the interested parties present, and their representatives (if applicable), to introduce themselves and identify their interest in the proceedings.

Failure of a party to attend the hearing

3. If a party has informed the licensing authority that he/she does not intend to attend or be represented at a hearing, the hearing may proceed in his/her absence.
4. If a party who has not so indicated fails to attend or be represented at a hearing, the Sub-Committee may –
 - (a) where it considers it to be necessary in the public interest, adjourn the hearing to a specified date, or
 - (b) hold the hearing in the party's absence.
5. Where the Sub-Committee holds the hearing in the absence of a party, the Sub-Committee will consider at the hearing the application, representations or notice made by that party.
6. **The Chair** will explain the procedure to be followed at the hearing and will confirm whether the Sub-Committee must reach its decision at the end of the hearing or within 5 working days of the hearing, depending on the application being heard.
7. **The Clerk to the Sub-Committee** will indicate whether any party has requested permission for any other person(s) (other than his/her representative) to appear at the hearing to assist the Sub-Committee in relation to the application, representations or notice of the party making the request. The Sub-Committee will decide whether to grant permission to allow any other person(s) to appear at the hearing on behalf of the party; such permission will not be unreasonably withheld.
8. **The Clerk to the Sub-Committee** will ask whether any party is seeking to introduce any document(s) or other information not previously disclosed to all the other parties to the hearing and the licensing authority. If all the other parties consent, the previously undisclosed document(s) or other information can be produced by a party in support of their application, representations or notice (as applicable).
9. The hearing will take the form of a discussion led by the Chair of the Sub-Committee. Cross-examination will not be permitted unless the Sub-Committee considers that cross-examination is required to consider the representations, application or notice as the case may require.
10. The Sub-Committee will consider any requests to permit cross-examination on

a case-by-case basis. When permission is given to one party, it will also normally be extended to all other parties.

11. The Sub-Committee will decide the equal maximum period of time that each party will have to present their case.

The Hearing

12. *The Licensing Officer will present the report to the Sub-Committee.*

13. Members may ask any relevant questions of the Licensing Officer.

14. *The applicant, or the party who has initiated the hearing, will present their case first.*

15. The party shall be entitled to:

(a) give further information in support of their application, representations or notice (as applicable) in response to a specific request by the licensing authority prior to the hearing;

(b) question any other party (if permission has been given by the Sub-Committee);

(c) address the Sub-Committee.

16. If the Police are a party to the hearing, they will present their case. The Police have the rights listed in paragraph 15 (a) – (c) above.

17. If any other “responsible authority” are a party to the hearing, they will present their case in turn after the Police and have the rights listed in paragraph 15 (a) – (c) above.

18. Any other interested parties will then present their case in turn and have the rights listed in paragraph 15 (a) – (c) above.

19. Members of the Sub-Committee may ask questions of the/each party or any other person permitted to appear at the hearing in support of the party.

20. **The Chair** will invite the applicant, or the party who has initiated the hearing, and any parties making representations, to briefly summarise their points if they wish.

21. **The Chair** will ask the applicant, or the party who has initiated the hearing, and all parties making representations, that they are satisfied that they have said all they wish to.

The Decision

22. In considering any representations or notice made by a party, the Sub-Committee may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.

23. In reaching its decision, the Sub-Committee will disregard any information given by a party, or any person who has been permitted to appear at the hearing, which is not relevant to –

(a) the application, representations or notice (as applicable) or in the case of another person, the application, representations or notice of the party

requesting their appearance, and

(b) the promotion of the licensing objectives or, in relation to a hearing to consider a notice given by the Police, the crime prevention objective.

24. The Sub-Committee may consider its decision in private and may move into private session where it considers that the public interest in so doing outweighs the public interest in that part of the hearing taking place in public. If the Sub-Committee do move into private session then all the parties and their representatives, any other person permitted to appear at the hearing, officers, the public and the press will be asked to leave the room whilst the decision is made.

The Chair will tell those present at the meeting the decision taken by the Sub-Committee and the reasons for the decision.

CAMBRIDGE CITY COUNCIL

REPORT OF: Licensing & Enforcement Manager

TO: Licensing Sub-Committee

22/06/2015

WARDS: West Chesterton

**CONSIDERATION OF AN APPLICATION TO VARY A PREMISES
LICENCE: PINK ELEPHANT, 16 MILTON ROAD, CAMBRIDGE, CB4 1JY**

1 INTRODUCTION

- 1.1 An application under section 34 of the Licensing Act 2003 to vary the Premises Licence issued in respect of Pink Elephant, 16 Milton Road, Cambridge, CB4 1JY has been received from Amirthanathan Anton Mariyarasa. The application is attached to the report as Appendix A. The application was served on Cambridge City Council (the Licensing Authority) on 1st May 2015. A copy of the application was also served on each Responsible Authority.
- 1.2 The applicant is seeking to vary the premises licence to extend the licensable hours as follows:

Supply of Alcohol (Off the Premises)

Mon - Sun

09:00 to 12:00

Sunday

22:30 to 23:00

To remove condition 6 from Annex 3 of the Premises Licence, which is attached to the report as Appendix B:

6. No beer, lager or cider more than 5.5% ABV shall be sold.

1.3 The applicant has indicated in section 16 of the application form

(Appendix A) that the following condition can be used to replace condition 6:

1. No beer, lager or cider above 6.5% ABV shall be sold from the premises.
- 1.4 In accordance with the requirements of the Act, the application was advertised on the premises and in the Cambridge News to invite representations from responsible authorities and other persons. The last date for submitting representations was the 29 May 2015.
- 1.5 Representations have been received from 1 Responsible Authority. The representation is attached to the report as Appendix C.
- 1.6 The application needs to be determined.

2. RECOMMENDATIONS

- 2.1 Members should determine the application on its individual merits having reference to the statutory licensing objectives and Cambridge City Council's Statement of Licensing Policy.

3. BACKGROUND

- 3.1 The premises are not located within a cumulative impact area.
- 3.2 The Premises Licence has been in effect since 20th September 2005. It was reviewed on 13th January 2014, following a formal request by Cambridgeshire Constabulary, when a number of conditions were added to the licence. The notice of determination from the review is attached to the report as Appendix D.
- 3.3 In carrying out its licensing functions, the Licensing Authority must have regard to its Statement of Licensing Policy and additionally the statutory guidance issued under Section 182 of the Licensing Act 2003. The relevant sections from the Council's Statement of Licensing Policy are:
 - Objectives, section 2
 - Fundamental principles, section 4
 - Licensing Hours, section 6
 - Licence Conditions, section 8

4. CONSULTATIONS

- 4.1 The Licensing Act 2003 requires applications made under section 34 of the Act to be served on the Responsible Authorities and also advertised on the premises and in a local newspaper circulating within the vicinity of the premises. During the consultation period, Responsible Authorities and Other Persons (any individual, body or business entitled to make representations to licensing authorities) may make a representation in respect of the application.
- 4.2 Statutory consultation has therefore taken place with Responsible Authorities and interested parties in accordance with the procedures set out in the Licensing Act 2003 and associated regulations made under the Act.

5. OPTIONS

- 5.1 Whilst having reference to the information provided by the applicant and the interested party and also Cambridge City Council's Statement of Licensing Policy, the Sub-Committee's decision must be made with a view to promoting one or more of the four licensing objectives, namely:
- (a) the prevention of crime and disorder;
 - (b) public safety;
 - (c) the prevention of public nuisance; and
 - (d) the protection of children from harm.
- 5.2 Members should take such steps that they consider are necessary for the promotion of the licensing objectives. The Sub-Committee may resolve:
- (a) to grant the licence subject to the mandatory conditions and those conditions offered by the applicant which may be modified to such extent as the authority considers necessary for the promotion of the licensing objectives,
 - (b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
 - (c) to reject the application.

5.3 Members must give reasons for their decision.

6. CONCLUSIONS

- 6.1 The Licensing Authority has a duty under the Licensing Act 2003 to promote the Licensing Objectives. Each objective has equal

importance. In carrying out its licensing functions, the Licensing Authority must also have regard to its Statement of Licensing Policy, and the Statutory Guidance under the Licensing Act 2003 and it is bound by the Human Rights Act 1998. The Council must also fulfil its obligations under Section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder in Cambridge.

7. IMPLICATIONS

a) Financial Implications

Cambridge City Council (the Licensing Authority) has a statutory duty to determine applications made under the Licensing Act 2003. The application fees associated with such applications are set by Central Government and are intended to cover the cost of administering the licensing regime.

There are no specific financial implications associated with this report.

(b) Staffing Implications

There are no staffing implications associated with this report.

(c) Equal Opportunities Implications

No Equality Impact Assessment has been conducted as the only consideration in reaching a decision is whether the granting of the application will undermine the statutory licensing objectives.

(d) Environmental Implications

Any environmental implications that need to be considered must specifically relate to the promotion of the statutory licensing objectives and will be contained in the representations made by the responsible authorities or interested parties.

(e) Community Safety

Cambridge Constabulary, Cambridgeshire Fire & Rescue Service, Cambridge City Council's Environmental Health Team, Cambridge City Council's Planning Service, Cambridgeshire County Council's Child Protection & Review Unit, Cambridgeshire County Council's Trading Standards Department and the Public Health Director were consulted as part of the application process and could have made representation if it was considered that the granting of the application would undermine one or more of the statutory licensing objectives.

Those making representations would have raised any relevant community safety implications.

8. **BACKGROUND PAPERS:** The following are the background papers that were used in the preparation of this report:

[Licensing Act 2003](#)

[The Licensing Act 2003 \(Premises licences and club premises certificates\) Regulations 2005](#)

[Guidance issued under section 182 of the Licensing Act 2003](#)

[The Council's Statement of Licensing Policy](#)

To inspect these documents either view the above hyperlinks or contact Luke Catchpole on extension 7818

The author and contact officer for queries on the report is Luke Catchpole on extension 7818.

Report file:

Date originated: 09 June 2015

Date of last revision: 09 June 2015

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* required information

Section 1 of 17

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

AMIRTHANATHAN ANTON

* Family name

MARIYARASA

* E-mail

Main telephone

██████████

Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

Address

* Building number or name

District

* City or town

County or administrative area

* Postcode

* Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

* Is your business registered in the UK with Companies House? Yes No

* Registration number

* Business name If your business is registered, use its registered name.

* VAT number Put "none" if you are not registered for VAT.

* Legal status

* Your position in the business

Home country The country where the headquarters of your business is located.

Continued from previous page...

Agent Registered Address

Address registered with Companies House.

* Building number or name	PUMP HOUSE
* Street	OLD MEAD ROAD
District	HENHAM
* City or town	BISHOP'S STORTFORD
County or administrative area	HERTS
* Postcode	CM22 6JG
* Country	United Kingdom

Section 2 of 17

APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number	PRECAM 000231
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Are you able to provide a postal address, OS map reference or description of the premises?

- Address OS map reference Description

Postal Address Of Premises

Building number or name	PINK ELEPHANT, 16
Street	MILTON ROAD
District	
City or town	CAMBRIDGE
County or administrative area	CAMBRIDGESHIRE
Postcode	CB4 1JY
Country	United Kingdom

Premises Contact Details

Telephone number	
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Non-domestic rateable value of premises (£)	11,000
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Continued from previous page...

Do you want the proposed variation to have effect as soon as possible?

- Yes
- No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

- Yes
- No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

TO VARY THE LICENSABLE HOURS FOR RETAIL FOR THE SALE BY RETAIL OF ALCOHOL FOR CONSUMPTION OFF THE PREMISES TO 09:00 HOURS TO 23:00 HOURS MONDAY TO SUNDAY
TO REMOVE CONDITION 6: NO BEER, LAGER OF CIDER MORE THAN 5.5% SHALL BE SOLD

Section 4 of 17

PROVISION OF PLAYS

Will the schedule to provide plays be subject to change if this application to vary is successful?

- Yes
- No

Section 5 of 17

PROVISION OF FILMS

Will the schedule to provide films be subject to change if this application to vary is successful?

- Yes
- No

Section 6 of 17

PROVISION OF INDOOR SPORTING EVENTS

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

- Yes
- No

Continued from previous page...

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

- Yes No

Section 8 of 17

PROVISION OF LIVE MUSIC

Will the schedule to provide live music be subject to change if this application to vary is successful?

- Yes No

Section 9 of 17

PROVISION OF RECORDED MUSIC

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

- Yes No

Section 10 of 17

PROVISION OF PERFORMANCES OF DANCE

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes No

Section 11 of 17

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

- Yes No

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PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

- Yes No

Section 13 of 17

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

- Yes No

Continued from previous page...

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption?

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 14 of 17

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

NONE

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

CONDITION 6 ANNEX 2
NO BEER, LAGER OR CIDER MORE THAN 5.5%ABV SHALL BE SOLD

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

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LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

Continued from previous page...

As per existing conditions
NO BEER ,LAGER OR CIDER ABOVE 6.5%ABV SHALL BE SOLD FROM THE PREMISES

b) The prevention of crime and disorder

As per existing conditions

c) Public safety

As per existing conditions

d) The prevention of public nuisance

As per existing conditions

e) The protection of children from harm

As per existing conditions

Section 17 of 17

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. Variation Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

The national scale of fees is set out below and also available on our website:

<http://www.cambridge.gov.uk/ccm/content/ehws/licensing/fees.en>

Please enter and pay the appropriate fee. If you are uncertain of the fee enter 0 in the amount field and the City Council will contact you to advise you of the fee. Please note the application will not be processed until the correct fee has been paid.

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £87000	£315.00
Band D - £87001 to £125000	£450.00*
Band E - £125001 and over	£635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Continued from previous page...

Band D - £87001 to £125000	£900.00
Band E - £125001 and over	£1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39999	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

* Fee amount (£)

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/cambridge/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

OFFICE USE ONLY

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

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Part A

Licensing Act 2003
 Format of premises licence
 CAMBRIDGE CITY COUNCIL



Premises licence number **PRECAM 000231**

Part 1 – Premises details

Postal address of premises, or if none, Ordnance Survey map reference or description Pink Elephant 16 Milton Road	
Post town Cambridge	Post code CB4 1JY
Telephone number XXXXXXXXXX	

Where the licence is time limited the dates
N/A

Licensable activities authorised by the licence
Supply of Alcohol

The times the licence authorises the carrying out of licensable activities				
Activity	Supply of Alcohol			
Day	Times			
Sun	12:00	22:30		
Mon	12:00	23:00		
Tue	12:00	23:00		
Wed	12:00	23:00		
Thurs	12:00	23:00		
Fri	12:00	23:00		
Sat	12:00	23:00		
Non Std Timings & Seasonal Variations	On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30. On Good Friday, 12:00 to 22:30.			

The opening hours of the premises				
Day	Times			
Sun				
Mon				
Tue				
Wed				
Thurs				
Fri				
Sat				
Non Std Timings & Seasonal Variations	Hours not stated			

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies
Off the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

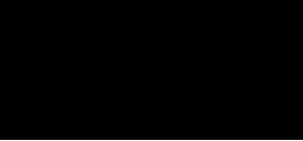
Mr Amirthanathan Anton Mariyarasa



Registered number of holders, for example company number, charity number (where applicable)

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Mr Amirthanathan Anton Mariyarasa



Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol



Merton Borough Council



Annex 1 - Mandatory conditions

1. No supply of alcohol may be made under the premises licence -
 - (a) at a time when there is no designated premises supervisor in respect of the premises, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Annex 2 - Conditions consistent with the operating schedule

1. Alcohol shall not be sold, supplied or taken from the premises except during permitted hours. In this condition, permitted hours means:
 - a. On weekdays and Saturdays, other than Christmas Day, 08:00 to 23:00.
 - b. On Sundays, other than Christmas Day, 10:00 to 22:30.
 - c. On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30.
 - d. On Good Friday, 08:00 to 22:30.

The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) the sale of alcohol to a trader or club for the purposes of the trade or club;
- (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.

2. This licence is granted on the condition that any other restrictions contained within the enactments specified under the Licensing Act 2003 (Schedule 8 (6)) are adhered to.

The prevention of crime and disorder

-

Public Safety

-

The prevention of public nuisance

-

The protection of children from harm

-

Annex 3 - Conditions attached after a hearing by the licensing authority

1. There shall be no sale of alcohol before 12 noon.
2. Security covers shall be used to cover the alcohol displays from view when the shop is open outside licensing hours.
3. Clear and legible notices shall be prominently displayed showing a message such as "If you appear to be intoxicated we will refused to serve you. If necessary the police shall be contacted."

4. The main window above till level, adjacent to the counter and entrance door, shall be kept clear of stickers and notices in order to afford staff adequate visibility of customers approaching the entrance door.
5. All instances of crime and disorder must be reported to the police and kept in an incident log book.
6. No beer, lager or cider more than 5.5% ABV shall be sold.
7. No discount shall be offered on multiple purchases of alcohol.
8. Any staff engaged or to be engaged in the sale of alcohol in the premises, who do not hold a personal licence, shall receive training to include the prevention of under-age sales and sales to intoxicated people. A record of such training to be kept with refresher training provided at intervals of not less than 6 months. Training records shall be available for inspection by a police officer or authorised officer of the licensing authority upon request.
9. A CCTV system shall be installed, or the existing system maintained, such system to be fit for the purpose:
 - i) Images shall be retained for 31 days and made available to the police and/or an authorised officer from the licensing authority upon reasonable request. The system will incorporate a camera covering the entrance doors and the alcohol display areas and will be capable of providing an image which is regarded as identification standard.
 - ii) The system will display on any recording the correct time and date of the recording.
 - iii) A service system will be in place to maintain the quality of the recorded image.
10. A refusal book shall be in operation at all times and available for inspection if requested by a police officer or authorised officer of the licensing authority.
11. The DPS shall be an active member of the Cambridge Business Against Crime (CAMBAC).
12. The DPS or relevant person shall actively operate a 'Challenge 25' policy. Notices to that effect shall be displayed. This will include voluntary agreement to only accept identity cards with a 'pass' accreditation, passports or photo ID driving licences, or any future identification card as approved by central government as bona fide recognised forms of identification.
13. The licence holder or an authorised representative shall attend meetings of the City North Area Committee when requested to do so by the police.

-
Annex 4 - Plans

See attached

This licence was granted on: 20th September 2005

Part B

Licensing Act 2003
Premises licence summary



Premises licence number

PRECAM 000231

Premises details

Postal address of premises, or if none, Ordnance Survey map reference or description

**Pink Elephant
16 Milton Road**

Post town

Cambridge

Post code

CB4 1JY

Telephone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

Supply of Alcohol

The times the licence authorises the carrying out of licensable activities

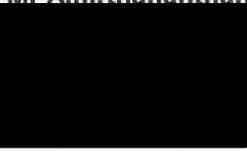
Activity	Supply of Alcohol				
Day	Times				
Sun	12:00	22:30			
Mon	12:00	23:00			
Tue	12:00	23:00			
Wed	12:00	23:00			
Thurs	12:00	23:00			
Fri	12:00	23:00			
Sat	12:00	23:00			
Non Std Timings & Seasonal Variations	On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30. On Good Friday, 12:00 to 22:30.				

The opening hours of the premises

Day	Times				
Sun					
Mon					
Tue					
Wed					
Thurs					
Fri					
Sat					
Non Std Timings & Seasonal Variations	Hours not stated				

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies
Off the premises

Name, (registered) address of holder of premises licence
Mr Amirthanathan Anton Mariyarasa



Registered number of holder, for example company number, charity number (where applicable)

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol
Mr Amirthanathan Anton Mariyarasa

State whether access to the premises by children is restricted or prohibited

This licence was granted on: 20th September 2005



Our Ref: PC60 Licensing/Pink Elephant 0060



Creating a safer
Cambridgeshire

Mr. R. Osbourn
Licensing Officer
Mandela House
Cambridge
CB2 1DB

28/05/2015

Dear Sir

SUBJECT: Pink Elephant 16 Milton Road Cambridge CB4 1JY

Pease find attached Police representation in regard to the variation of a premise Off licence in relation to the above. These representations are in regard to licensing objectives for Prevention of Crime and Disorder, Public nuisance & Public Safety under Licensing Act 2003.

Yours Sincerely



Pc60 Peter Sinclair
City Licensing Officer
Parkside Police Station.

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

Please delete as applicable: **POLICE**

Your name	PC60 Peter Sinclair
Job Title	City Licensing Officer
Postal Address (inc post code)	Police Station Parkside Cambridge CB1 1JG
Contact telephone number:	██████████
Mobile Number:	██████████
Email address:	██

Name of Premises you are making a representation about:	Pink Elephant
Address of the premises you are making a representation about:	16 Milton Road Cambridge CB4 1JY

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 see below
The prevention of crime and disorder See Below	Public safety See below
The prevention of public nuisance See Below	Protection Of Children from Harm

The applicants have indicated to me that they are hardworking, and that may be true, they have also asked that they be given a chance to show that can be trusted and that they realise it is a privilege to hold a licence, unfortunately this is not born out in reality by their conduct.

They were given a number of chances as part of our stepped approach and were offered help and support and had been given advice on ways to prevent and deter offences from occurring both verbally and in writing. However they carried on regardless and as already stated we do not feel a significant amount of time has passed for that trust to be established .A alternative approach might have been for a change of style and emphasis on the business first. As already mentioned in the intervening months they do not appear to have taken the opportunity to diversify away from that reliance on alcohol and the reason being for request to increase the strength of alcohol for sale is that they need the revenue and uplift in sales

As for putting measures in place which will effectively deal with the resultant issues of the grant of higher strength alcohol it is concerning knowing the little degree of control previously shown and how any degree control can be exercised over customers who effectively walk away with the alcohol.

Having left the premises with alcohol customers are at liberty to do whatever they wish without any possible intervention from the licensee to negate that risk.

In regard to current conditions, it is not the case that the licensee has been singled out or put at any disadvantage, these measures are bespoke to Cambridge and are well considered have proven to be very effective. Similar conditions in relation to alcohol above 5.5 abv are currently in place on 8 other premises in sensitive areas in Cambridge either having that threshold set at this level through enforcement or through choice manly due to recognition of their positive effect upon their businesses by reducing anti-social behaviour and crime as a result of not attracting street drinkers.

It is now the case that this bespoke policy had been voluntarily adopted by the larger chains as they seek to add premises in Cambridge. Sainsbury Mill Road, The Co-Op at The Marque and indeed Sainsbury just across the road from the Pink Elephant have recognised the issues in the area and have similar conditions in relation to alcohol above 5.5 abv:

There shall be no sale of beer, lager or cider with an AVB content of 5.5% ABV or above save for premium products which have been agreed with the police.

Not selling higher strength alcohol has a proven track record of effectively stopping issues of anti-social behaviour, and they do understand that link and the customers it could attract particularly in relation to the stronger beers including the cheaper stronger Eastern European and Polish beers.

Beers with a range from 5.6 – 6% effectively have 3 units of alcohol per single 500 ml can, which is very high. The availability of these cheap strong alternatives are a tempting alternative for heavy drinkers.

(Brands that are available (not exhaustive) Warka Strong 6.5 % , Specjal 6 % , Perla Miodowa 6%, Tatra 6%, Zubr 6% Kasztelan 5.7%, as well as other brands such as , Cubanisto 5.9%, Desperados 6 % and Scrumpy Jack 6 %)

We are aware that some street drinkers are known to drink Polish beers and Eastern European beers in other areas of Cambridge City and with the imminent adoption of a PSPO (Public space protection order) it's entirely possible that there will be some displacement of these drinkers who may well migrate to other areas where they know drinking on the street is popular and that alcohol is available to them in close proximity.

In summary for us this is the thin end of the wedge and it attempts to undermine a tried and tested established effective tool to deal with shops that have either become problematic because of the management style or are within problematic areas where the balance can be easily tipped away from tolerated behaviour to anti-social behaviour.

5.5 % abv is a well-established and tested threshold in Cambridge and which has been supported by many committees as a good practice and an effective method of reducing anti-social behaviour and crime. The police want to defend that from being gradually eroded.

The police do not feel at all confident in the ability to management to be able to deal with the responsible sale of increased strength alcohol and the negative fallout that it would bring about. We do not want to be in a position where we are again in effect having to deploy resources to manage a specific areas on a daily basis.

The best option in our view is prevention and we are asking the committee to refuse the application based on the recent history and the likely negative effect on neighbouring businesses and the local community by granting this variation.

Furthermore the police consider that we would be failing in our obligation under Section 17 of The Crime and Disorder Act 1998 as amended when exercising functions to give due regard to the likely effect of the exercise of those functions on, and the need to do all that they reasonably can to prevent, crime, disorder anti-social and other behaviour adversely affecting the local environment, including the misuse of drugs, alcohol and other substances in its area.

Any evidence adduced in support of such representations may comprise of, (although not exclusively), first-hand knowledge of officers involved in policing the area, statistical analysis of crime, disorder &, incidents of anti-social behaviour, minutes of area committee meetings, as well as police records from the Storm Command and control logs, police crime files, statements and/or CCTV footage.

Guidance issued under Section 182 LA 2003 states

Representations from the police

9.12 In their role as a responsible authority, the police are an essential source of advice and information on the impact and potential impact of licensable activities, particularly on the crime and disorder objective. The police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area⁴. The police should be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective, but may also be able to make relevant representations with regard to the other licensing objectives if they have evidence to support such representations. The licensing authority should accept all reasonable and proportionate representations made by the police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives. However, it remains incumbent on the police to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

Signed



Date 28/5/2015

To



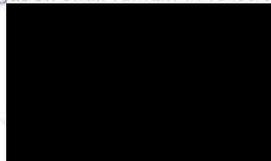
Licensing Act 2003

Delegation of responsibilities by the Chief Officer of Police

In accordance with the provisions of the Licensing Act 2003 I hereby delegate authority to Divisional Commanders and to Divisional Superintendents to develop policies and procedures and to exercise all powers vested in the Chief Constable of Cambridgeshire Constabulary. Such delegation to include the power to delegate specific tasks to licensing constables and support staff.

This delegation shall remain in force unless otherwise notified.

Signed



Simon Parr
Chief Constable
Cambridgeshire Constabulary

Dated 7/9/10

Licensing Act 2003

Notice of Determination of an Application to review a Premises Licence

Pink Elephant, 16 Milton Road, Cambridge, CB4 1JY

To: Amirthanathan Anton Mariyarasa

Of: 102 Arbury Road, Cambridge, CB4 2JF

the premises licence holder

Cambridge City Council, being the licensing authority, on 1st November 2013 received an application from Cambridge Constabulary, a responsible authority, under Section 51 of the Licensing Act 2003, for a review of the premises licence in respect of Pink Elephant, 16 Milton Road, Cambridge, CB4 1JY.

The application related to the following licensing objectives:

1. the prevention of crime and disorder
2. public safety
3. the prevention of public nuisance

The application was advertised in accordance with the regulations and representations in support of the licence holder retaining the licence were received from 8 other persons and 1 petition.

The application was listed for determination on 13th January 2014 and a hearing to consider the review was held on that date, by the Licensing Sub-Committee.

The Sub-Committee comprised Councillor Rosenstiel,(in the Chair), Councillor Gawthrope and Councillor Meftah.

Representations were made by:

Inspector Steve Poppitt, PS Jayne Drury, PS Jason Wragg, PC John Hopper, PC Rob Streater, PC Lee Nutbeam, PC Peter Sinclair, and Rohan Komur in support of the review.

Mr and Mrs Anton Mariyarasa, (premises licence holder), Miss Bustarni solicitor, Mohammed Batin and Mr Raut-Roy, in support of the premises licence holder.

The Sub-Committee made the following findings:

1. Mrs Anton Mariyarasa had accepted a caution for selling alcohol to a drunk person on 14th March 2013.
2. Sales of alcohol represent 70% of the turnover of the business although this was mainly in the evenings.
3. The licensees offered two additional conditions to their licence:
 - (i) Sale of alcohol to be restricted to after 12:00 hours.

- (ii) Beers and cider of greater than 5.5% ABV to be kept behind the counter with no self service.

In reaching a decision on the application, the Sub-Committee considered the material presented orally and in writing, the evidence of those making representations, as listed above, the statutory provisions, the Council's Statement of Licensing Policy, the statutory guidance issued under s182 of the Licensing Act 2003 and advice from the Council's Legal Officer.

The Sub-Committee decided:

1. to modify the conditions, in accordance with the attached list, including a new condition, No. 6, that states, "No beers or cider of strength more than 5.5% ABV shall be sold".

for the following reasons:

The sub-committee were persuaded that revocation of the licence would make the business unviable and that the evidence presented was not of sufficient weight to impose such a drastic measure. The sub-committee took section 10 of the Council's Licensing Policy into account when deciding this.

The sub-committee were, however, persuaded that there is a causal link between regular purchases of alcohol, especially of high strength, from the Pink Elephant, and activities in breach of the licensing objectives in the vicinity of Mitcham's Corner. The conditions imposed, including the new condition 6, seek to break that link and promote the licensing objectives. If they are successful, it will be open to the licensee to apply for a variation to relax some or all of the new conditions at some future time.

Dated: 16th January 2014

Signed



Robert Osbourn
Licensing & Enforcement Manager

Please address any communications to:

The Licensing & Enforcement Manager
Refuse & Environment Service
Cambridge City Council
PO Box 700
Cambridge
CB1 0JH
Tel: 01223 457888

Note: An appeal against this decision may be made by the premises licence holder / a person who made relevant representations / the Chief Officer of Police as applicable (see Schedule 5 of the Act) to the magistrates' court for the petty sessions area (or any such area) in which the in which the premises concerned are situated within 21 days from the date of receipt of the notification of the decision.

.....

List of conditions to be attached to the licence:

1. There shall be no sale of alcohol before 12 noon.
2. Security covers shall be used to cover the alcohol displays from view when the shop is open outside licensing hours.
3. Clear and legible notices shall be prominently displayed showing a message such as "If you appear to be intoxicated we will refused to serve you. If necessary the police shall be contacted."
4. The main window above till level, adjacent to the counter and entrance door, shall be kept clear of stickers and notices in order to afford staff adequate visibility of customers approaching the entrance door.
5. All instances of crime and disorder must be reported to the police and kept in an incident log book.
6. No beer, lager or cider more than 5.5% ABV shall be sold.
7. No discount shall be offered on multiple purchases of alcohol.
8. Any staff engaged or to be engaged in the sale of alcohol in the premises, who do not hold a personal licence, shall receive training to include the prevention of under-age sales and sales to intoxicated people. A record of such training to be kept with refresher training provided at intervals of not less than 6 months. Training records shall be available for inspection by a police officer or authorised officer of the licensing authority upon request.
9. A CCTV system shall be installed, or the existing system maintained, such system to be fit for the purpose:
 - i) Images shall be retained for 31 days and made available to the police and/or an authorised officer from the licensing authority upon reasonable request. The system will incorporate a camera covering the entrance doors and the alcohol display areas and

will be capable of providing an image which is regarded as identification standard.

- ii) The system will display on any recording the correct time and date of the recording.
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11. The DPS shall be an active member of the Cambridge Business Against Crime (CAMBAC).
12. The DPS or relevant person shall actively operate a 'Challenge 25' policy. Notices to that effect shall be displayed. This will include voluntary agreement to only accept identity cards with a 'pass' accreditation, passports or photo ID driving licences, or any future identification card as approved by central government as bona fide recognised forms of identification.
13. The licence holder or an authorised representative shall attend meetings of the City North Area Committee when requested to do so by the police.