

CAMBRIDGE CITY COUNCIL

REPORT OF: Jas Lally
Head of Refuse and Environment

TO: Licensing Sub-Committee

26/03/2012

WARDS: West Chesterton

CONSIDERATION OF AN APPLICATION FOR A PREMISES LICENCE TO BE GRANTED: KLUB POLSKI GAWRA, 231 CHESTERTON ROAD, CAMBRIDGE, CB4 1AS

1 INTRODUCTION

1.1 An application under section 17 of the Licensing Act 2003 for a Premises Licence to be granted in respect of Klub Polski Gawra has been received from Klub Polski Gawra Ltd. The application, which is attached to the report as Appendix A, and a plan of the premises, which is attached to the report as Appendix B, were served on Cambridge City Council (the Licensing Authority) on 2nd February 2012. A copy of the application was also served on each responsible authority.

1.2 The applicant is seeking a new premises licence for the following:

Supply of Alcohol (on and off the premises)

Mon – Sun 12:00 to 23:00

Non standard timings:

New Year's Eve – 19:00 to 02:00.

Closest Saturday to 14th February, before or after – 12:00 to 00:00.

Saturday preceding St Andrews Day – 12:00 to 00:00.

Opening hours of the premises

Mon – Sun 12:00 to 23:00

Non standard timings:

New Year's Eve – 19:00 to 02:00.

Closest Saturday to 14th February, before or after – 12:00 to 00:00.
Saturday preceding St Andrews Day – 12:00 to 00:00.

- 1.3 The applicant has indicated in part P of the application (Appendix A) that the following steps will be taken to promote the four licensing objectives:

The prevention of crime and disorder

All staff shall be trained on the appropriate aspects of licensing legislation with regard to the supply of alcohol. A record of all training shall be kept and made available to an Authorised Officer on request.

A crime and disorder incident log shall be maintained and kept at the premises and made available for inspection by an Authorised Officer on request.

The Club shall document and implement a crime and disorder policy and drugs policy. The documented policies shall be made available for inspection by an Authorised Officer on request.

An intruder alarm with movement detectors and permanent lighting around the exterior of the premises shall be installed.

Public safety

A documented risk assessment for the premises shall be carried out and regularly reviewed. The risk assessment shall be made available for inspection by an Authorised Officer on request.

An incident log shall be maintained and audited by the Designated Premises Supervisor.

The prevention of public nuisance

Prominent, clear and legible notices shall be displayed at the exit, requesting patrons departing to respect the needs of local residents and to leave the premises and the area quietly.

Waste including bottles shall be placed into receptacles outside the premises and emptied regularly. The emptying of premises waste receptacles shall be carried out by waste contractors.

Litter bins shall be located around the premises.

The protection of children from harm

A 'Challenge 21 Policy' shall be in place. This will include a voluntary agreement to only accept identity cards with a 'PASS' accreditation; passports or photo ID driving licence; or any future identification card as approved by central government; as bona fide recognised forms of identification.

All persons below the age of 16 shall be accompanied by an adult.

1.4 If the application is granted, in whole or in part, such that the Licence authorises the supply of alcohol for consumption on and off the premises, the following mandatory conditions will be attached to Annex 1 of the Licence:

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.

3. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on–

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

4. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

6.(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

7. The responsible person shall ensure that–

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures–

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

1.5 In accordance with the regulations of the Act, the application was advertised on the premises and in the Cambridge Evening News to invite representations from responsible authorities and interested parties. The last date for submitting representations was 1st March 2012.

- 1.6 Twenty-Two representations from Interested Parties have been received and are attached to the report as Appendix C.
- 1.7 No representations were received from the Responsible Authorities – Cambridgeshire Constabulary, Cambridgeshire Fire & Rescue Service, the two Environmental Health Managers, Planning, Trading Standards and Child Protection.
- 1.8 The application is yet to be determined.

2. RECOMMENDATIONS

- 2.1 That Members' 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 applicant has stated that the premises is a Polish Community Centre.
- 3.2 An application has previously been made under the Licensing Act 2003 for a Premises Licence in respect of this premises. A Premises Licence was granted by the Licensing Sub-Committee on the 17th March 2008 for a limited period until 31st May 2012. The current premises licence is attached to the report as Appendix D.
- 3.3 The premises is not situated within a cumulative impact area.
- 3.4 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 17 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 interested parties (those living or working within the vicinity of the premises or Elected Members of the Licensing Authority), 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, the Interested Parties 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 refuse to specify a person in the licence as the premises supervisor;
 - (d) to reject the application.

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 Food & Occupational Safety Team, Cambridge City Council's Environmental Services, Cambridge City Council's Environment & Planning Department, Cambridgeshire County Council's Child Protection & Review Unit and Cambridgeshire County Council's Trading Standards Department 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 Debbie Stoker on extension 7879

The author and contact officer for queries on the report is Debbie Stoker on extension 7879.

Report file:

Date originated: 15th March 2012

Date of last revision: 15th March 2012