

CAMBRIDGE CITY COUNCIL

REPORT OF: Jas Lally
Head of Refuse and Environment

TO: Licensing Sub-Committee

11/04/2012

WARDS: Market

**Consideration Of An Application For A Premises Licence To Be
Granted: West Cornwall Pasty Co. Limited, 15 Market Hill, Cambridge,
Cb2 3np**

1 INTRODUCTION

1.1 An application under section 17 of the Licensing Act 2003 for a Premises Licence to be granted in respect of West Cornwall Pasty Co. Limited, 15 Market Hill, Cambridge, CB2 3NP has been received from West Cornwall Pasty Co. Limited. 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 17th 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:

Late Night Refreshment (outdoors)

Mon – Sat 23:00 to 04:00

Non standard timings:

Bank Holidays 23:00 to 04:00

Supply of Alcohol (on the premises)

Mon – Sat 08:30 to 22:30

Sun 08:30 to 21:30

Non standard timings:

Bank Holidays 08:30 to 22:30

Opening hours of the premises

Mon – Sat 08:30 to 04:00

Sun 08:30 to 22:00

Non standard timings:

Bank Holidays 08:30 to 04:00

- 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:

General

1. Policies shall be implemented to ensure reasonable steps are taken by the staff to prevent the sale or supply of alcohol for consumption on the premises in a manner which carries a risk of leading or contributing to crime and disorder, public nuisance or harm to children. Examples of such activities which would be avoided would include:

- games or other activities which require/encourage alcohol to be drunk in a time limit;
- drinking as much alcohol as possible;
- provision of unlimited or unspecified quantities of alcohol;
- provision of free or discounted alcohol as a prize to encourage or reward the consumption of alcohol over a period of 24 hours or less;
- provision of free or discounted alcohol during a sporting event for the outcome of the race/competition, likelihood of anything occurring or not occurring;
- selling or supplying alcohol in association with promotional posters/flyers on, or in the vicinity of, the premises which may be reasonably considered to encourage or glamorise anti-social behaviour.

Copies of policies shall be made available for inspection by an Authorised Officer on request.

2. Free tap water shall be provided upon request.

- 1.4 If the application is granted, in whole or in part, such that the Licence authorises the supply of alcohol for consumption on 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 16th March 2012.
- 1.6 Two representations from Responsible Authorities have been received, from Cambridgeshire Constabulary and Planning. The representations are attached to the report as Appendix C and Appendix D respectively.
- 1.7 The representation from Cambridgeshire Constabulary refers to the premises being located in one of the City's cumulative impact areas. The Police oppose any application for late night refreshment to be provided from the premises. However they have suggested the following conditions in relation to the day/evening restaurant operation or in the event that the applicant seek to remove the requirement for late night refreshment:

1. The operating hours for licensable activities at the premises will cease at 22:30 hrs.
2. The sale or supply of alcohol shall be as an accompaniment to substantial food.
3. Substantial food and non-alcoholic beverages including drinking water shall be available at all times the premises are open to the public.
4. No draft beer will be sold or supplied.
5. Floor staff will actively seek to remove empty bottles and empty drinking vessels from customer tables including the external seating area during trading hours.
6. The licensee shall ensure that all staff will undertake in-house training in their responsibilities in relation to the sale of alcohol. Particularly with regard to drunkenness and underage persons. New staff will be trained before commencing their duties.
7. When the DPS is not available a trained responsible members of staff will be on site during peak periods and in particular Friday and Saturday nights.
8. There shall be no off sales save for alcohol supplied to customers in the external seating area.
9. The Supply of alcohol to the external seating areas shall be by waiter /waitress service who will adequately supervise that area whilst it is in use.
10. Alcohol served in the external seating area shall only be supplied to person seated at tables.
11. The licensee shall take all reasonable practicable steps to ensure that drinking vessels are not taken away from the premises by patrons.
12. The use of the external seating area will cease at 18:00 hrs. All chairs and tables being cleared away by 18.30 hrs.
13. The DPS or relevant person will actively operate "Challenge 21 or Challenge 25 Policy" This will include a voluntary agreement to only accept identity cards with the "Pass" accreditation; passports; photo ID driving licences; any National identity card as ruled by any British Court as a bona-fide recognised form of identification; or any future identification card as approved by central government; as bona-fide recognised forms of identification.

1.8 The representation from Planning is raised under the Public Nuisance objective. A planning condition is in place to protect the amenity of nearby residential/sensitive properties. The planning application states that the following specified hours of working/opening shall be adhered to:

Working hours: Monday to Saturdays 08:00-18:00, Sundays 09:30-16:30
Opening hours: Mondays to Saturdays 08:30-17:30, Sundays 10:00-16:00.

- 1.9 No representations were received from the remaining Responsible Authorities.
- 1.10 Six representations from Interested Parties have been received and are attached to the report as Appendix E.
- 1.11 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 comprises five floors consisting of a ground floor general service room and kitchen area with a small seating and restaurant area and outside seating area; first floor restaurant and seating area; second floor mess/staff room, chill store and public toilets; an unused flat on the third floor which has a fire exit leading to the roof (the roof being the fourth floor). The public will not be able to access the interior of the premises during the hours referred to for late night refreshment – late night refreshment will be served via a window hatch.
- 3.2 No application has previously been made under the Licensing Act 2003 for an authorisation (Premises Licence, Club Premises Certificate, Temporary Event Notice) to be granted in respect of the premises.
- 3.3 The premises is situated within a cumulative impact area. It is therefore subject to a special policy on cumulative impact. The special policy creates a rebuttable presumption that applications within cumulative impact areas for new premises licences or variations that are likely to add to the existing cumulative impact will normally be refused if relevant representations are received about the cumulative impact on the licensing objectives, unless the applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact already being

experienced. Cumulative impact has been referred to in the representation received from Cambridgeshire Constabulary but it has not been addressed by the applicant.

- 3.4 The Council's Statement of Licensing Policy contains information on the cumulative impact.
- 3.5 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
 - Cumulative impact, section 5
 - 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 two Responsible Authorities, six 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

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