

CAMBRIDGE CITY COUNCIL

REPORT OF: Jas Lally
Head of Refuse and Environment

TO: Licensing Sub-Committee

12/06/2012

WARDS: Trumpington

CONSIDERATION OF AN APPLICATION TO VARY A PREMISES LICENCE: CO-OP, 52 HILLS ROAD, CAMBRIDGE, CB2 1LA

1 INTRODUCTION

- 1.1 An application under section 34 of the Licensing Act 2003 to vary the Premises Licence issued in respect of Co-op, 52 Hills Road, Cambridge, CB2 1LA has been received from Co-operative Group Food Limited. The application is attached to the report as Appendix A and the existing Premises Licence is attached to the report as Appendix B. The application was served on Cambridge City Council (the Licensing Authority) on 6th March 2012. A copy of the application was also served on each responsible authority.
- 1.2 The applicant has applied to vary the Licence to amend the licensed and trading hours as follows:

*Supply of Alcohol (for consumption off the premises)

Mon – Sat	06:00 to 23:00
Sun	06:00 to 23:30

*The hours for supply of alcohol have subsequently been amended as follows:

Mon – Sun	06:00 to 23:00
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Non standard timings:

Christmas Day – 12:00 to 15:00 and 19:00 to 22:30

Good Friday – 08:00 to 22:30

Opening hours of the premises

Mon – Sun

06:00 to 23:30

- 1.3 The applicant has indicated in section P of the application form (Appendix A) that the following additional steps will be taken to promote the four licensing objectives should the application be granted:
1. A closed circuit TV monitoring system shall be installed and maintained. Images recorded shall be retained for at least 21 days and to be handed to the Police or Authorised Officer on request.
 2. Signage shall be displayed in store stating that it is an offence for people under 18 to purchase alcohol.
 3. The store shall be fitted with a panic button for staff to press in cases of emergency.
 4. The store shall be fitted with a burglar alarm.
 5. No deliveries shall take place between the hours of 23:00 and 06:00 the following day.
 6. All staff shall be trained in relation to underage related sales of alcohol.
 7. A 'Challenge 25' scheme shall be in place and notices of this shall be prominently displayed within the store.
 8. An electronic till prompt when alcohol is scanned shall be in place to remind staff to check the age of the purchaser.
 9. An 'Age Refusals Register' book shall be kept to record where sales of alcohol are challenged or refused.
- 1.4 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 other persons. As the applicant originally placed the notice giving details of the application inside the premises and not outside, the representation period was extended to the 14th May 2012.
- 1.5 Twenty-eight representations from Other Persons have been received and are attached to the report as Appendix C.
- 1.6 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.
- 1.7 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 premises is located 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. The cumulative impact policy has been referred to in the representations received but it has not been addressed by the applicant.
- 3.2 The Council's Statement of Licensing Policy contains information on the cumulative impact.
- 3.3 The existing Licence is attached to the report as Appendix B. It was issued on 20th September 2005 following the grant of an application to convert an existing Justices' Off Licence in to a Premises Licence. No application has been made to vary the hours or activities authorised by the Licence since that time.
- 3.4 The Premises Licence currently authorises the following licensable activities:

Supply of Alcohol (for consumption off the premises)

Mon – Sat	08:00 to 23:00
Sun	10:00 to 22:30

Non standard timings:

Christmas Day – 12:00 to 15:00 and 19:00 to 22:30

Good Friday – 08:00 to 22:30

- 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 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 other persons 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 other persons 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 modify the conditions of the Licence (i.e. alter, omit or add any new condition); and/or
 - (b) to reject the whole or part of 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 other persons.

(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:

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