

CAMBRIDGE CITY COUNCIL

REPORT OF: Jas Lally
Head of Refuse and Environment

TO: Licensing Sub-Committee

18/06/2012

WARDS: Petersfield

CONSIDERATION OF AN APPLICATION FOR A PREMISES LICENCE TO BE GRANTED: CAMBRIDGE SUPERMARKET, 28 MILL ROAD, CAMBRIDGE, CB1 2AD.

1 INTRODUCTION

- 1.1 An application under section 17 of the Licensing Act 2003 for a Premises Licence to be granted in respect of Cambridge Supermarket, 28 Mill Road, Cambridge, CB1 2AD has been received from Mr Ali Ilker Avci. 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 11th April 2012. A copy of the application was also served on each responsible authority.
- 1.2 The applicant has applied for the Licence to authorise the supply of alcohol for consumption off the premises between the following hours
Mon – Sun 08:00 to 23:00
- 1.3 The premises will be open to the public between the following hours
Mon – Sun 00:00 to 00:00
- 1.4 The applicant has indicated in section P of the application form (Appendix A) that the following steps will be taken to promote the four licensing objectives:
1. The Licensee, that is the person in whose name the premises licence is issued, shall ensure that all times when the premises are open for any licensable activity, there are sufficient competent

staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder. The Licensee shall ensure that all staff will undertake training in their responsibilities in relation to the sale of alcohol, particularly with regard to drunkenness and underage persons. Records will be kept of training and refresher training.

2. Any incidents of a criminal nature that may occur on the premises will be reported to the Police.
3. Toilets shall be checked an average of two hourly while the premises are open to the public to deter the use of drugs.
4. Details of checks shall be documented and made available to the Police on request.
5. The Licensee will install comprehensive CCTV coverage at the premises and it is operated and maintained at the premises. The CCTV system shall conform to the following points:
 - Cameras must be sited to observe the entrance and exit doors both inside and outside.
 - Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.
 - Cameras viewing till areas must capture frames not less than 50% of screen.
 - Cameras overlooking floor areas should be wide angled to give an overview of the premises.
 - Be capable of visually confirming the nature of the crime committed.
 - Provide a linked record of the date, time and place of any image.
 - Provide good quality images - colour during opening times.
 - Operate under existing light levels within and outside the premises.
 - Have the recording device located in a secure area or locked cabinet.
 - Have a monitor to review images and recorded picture quality.
 - Be regularly maintained to ensure continuous quality of image capture retention.
 - Have signage displayed in the customer area to advise that CCTV is in operation.
 - Digital images must be kept for 31 days.
 - Police will have access to images at any reasonable time.
 - The equipment must have a suitable export method e.g. CD/DVD writer so that the Police can make an evidential copy of the data they require. This data should be in the

native file format, to ensure that no image quality is lost when making the copy, if this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the Police on a standard computer. Copies must be made available to Police on request.

6. The premises licence holder will operate a 'behave or be banned' policy and those persons that do not disperse and behave within the vicinity will be banned from the premises. The duration of the ban will be graduated approach to the period of time which person could be banned.
7. Ciders, beers and lagers sold on the premises should not be more than %6 alcohol volume.
8. There shall be no supply of alcohol for consumption off the premises except in sealed containers.
9. Appropriate fire safety procedures are in place including fire extinguishers (foam, H₂O and CO₂), fire blanket, internally illuminated fire exit signs, numerous smoke detectors and emergency lighting. All appliances shall be inspected annually.
10. All emergency exits shall be kept free from obstruction at all times.
11. A receptacle for litter is to be available outside the premises for use by customers and to be maintained in a useable condition.
12. The placing of waste including bottles into receptacles outside the premises and the emptying of premises waste receptacles by waste contractors shall only be permitted to take place between the hours of 07:00 and 23:00 to minimise disturbance to nearby properties.
13. Prior to the commencement of licensable activities, full details of the on-site storage facilities for trade waste, including waste for recycling shall be submitted to and approved in writing by the Team Leader Environmental Protection (TLEP). Such details shall identify the specific positions of where wheelie bins, paladins or any other means of storage will be stationed and the arrangements for the disposal of waste. The approved facilities shall be provided prior to the commencement of the licensable activities hereby permitted and shall be retained thereafter unless arrangements are agreed in writing by the TLEP.
14. Clear and legible notices will be prominently displayed to remind customers to leave quietly and have regard to our neighbours.
15. The licensee and staff will ask persons who appear to be under the age of 25 for photographic ID such as proof of age cards, the Connexions Card and Citizen Card, photographic driving licence or passport, an official identity card issued by HM Forces or by an EU country, bearing the photograph and date of birth of bearer.

16. The Challenge 25 logo and posters will be displayed at the premises.
 17. All staff will be trained in underage sales prevention regularly.
 18. A register of refused sales shall be kept and maintained on the premises.
- 1.5 If the application is granted, in whole or in part, such that the Licence authorises the supply of alcohol for consumption 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 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.
- 1.6 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. The last date for submitting representations was the 9th May 2012.
- 1.7 Representations have been received from Cambridgeshire Constabulary and 220 other persons. The representation from Cambridgeshire Constabulary is attached to the report as Appendix C and the representations from the other persons are attached to the report as Appendix D. No other responsible authority has made a representation.
- 1.8 The application was listed for determination at a hearing on 8th June 2012. However, following a formal request for an extension of time from the Police due to Police unavailability, Members agreed to extend the time and adjourn the hearing to the 18th June. The timescales set out in the Licensing Act 2003 (Hearings) Regulations 2005 were extended in accordance with Regulation 11(1) as it was

considered necessary in the public interest to do so and adjourned in accordance with Regulation 12 (1) on the basis that it is necessary for consideration of representations. The application is therefore 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 and but it has not been addressed by the applicant.
- 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 Council's Statement of Licensing Policy contains information on the cumulative impact.
- 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
 - 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 other persons 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, the responsible authority, 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 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 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.

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Report file:

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