

## CAMBRIDGE CITY COUNCIL

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REPORT OF: Jas Lally  
Head of Refuse and Environment

TO: Licensing Sub-Committee

02/07/2012

WARDS: Trumpington

### **CONSIDERATION OF AN APPLICATION FOR A PREMISES LICENCE TO BE GRANTED: SHELL TRUMPINGTON, 58 HIGH STREET, TRUMPINGTON, CAMBRIDGE, CB2 9LS**

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#### **1 INTRODUCTION**

1.1 An application under section 17 of the Licensing Act 2003 for a Premises Licence to be granted in respect of Shell Trumpington, 58 High Street, Trumpington, Cambridge, CB2 9LS has been received from Shell UK Oil Products 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 2<sup>nd</sup> May 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 (indoors)

Mon – Sun 23:00 to 00:00

Supply of Alcohol (for consumption off the premises)

Mon – Sun 06:00 to 00:00

Opening hours of the premises

Mon – Sun 06:00 to 00:00

1.3 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. A suitable and sufficient CCTV system with recording facilities shall be in place at the site and will operate at all times the premises are open for licensable activities. Images shall be retained for a minimum of 31 days and made available upon reasonable request by the Police or other relevant officers of a responsible authority.
  2. Staff shall be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training will also be undertaken. All training shall be documented and training records shall be made available for inspection upon reasonable request by the Police or other relevant officers of a responsible authority.
  3. A refusals book shall be operated and maintained and will be produced to a relevant officer of the Police or other relevant officers of a responsible authority upon request.
  4. A Challenge 25 policy shall be operated at the premise and the only acceptable forms of identification shall be a passport, photocard driving licence and PASS accredited identification card.
  5. Spirits shall be located behind the counter.
- 1.4 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.
- 1.5 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 other persons. The last date for submitting representations was the 31<sup>st</sup> May 2012.

- 1.6 One representation was received from an Other Person and is 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, Child Protection and the Local Authority responsible for public health.

## **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 describes the premises as a well established convenience store site which is currently under going a refurbishment. The store operates 06:00 to 00:00 hours, seven days per week and stocks fresh foods, dairy produce, groceries, domestic products and dry fuel products.
- 3.2 The premises are not located within a Cumulative Impact Area.
- 3.3 In carrying out its licensing functions, the Licensing Authority must have regard to its Statement of Licensing Policy and 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 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 other person 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 appropriate 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 appropriate 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, Cambridgeshire County Council's Trading Standards Department and the Local Authority for public health 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.

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