

CAMBRIDGE CITY COUNCIL

REPORT OF: Jas Lally
Head of Refuse and Environment

TO: Licensing Sub-Committee

09/03/2015

WARDS: Petersfield

CONSIDERATION OF AN APPLICATION FOR A PREMISES LICENCE TO BE GRANTED: SAINSBURY'S, 78-80 MILL ROAD, CAMBRIDGE, CB1 2AS

1 INTRODUCTION

1.1 An application under section 17 of the Licensing Act 2003 for a Premises Licence to be granted in respect of Sainsbury's, 78-80 Mill Road, Cambridge, CB1 2AS has been received from Sainsbury's Supermarkets Limited. The application and plans of the premises are attached to the report as Appendix A. The application was served on Cambridge City Council (the Licensing Authority) on 16th January 2015. 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 (Off the Premises)

Mon – Sun (inclusive)

08:00 to 23:00

The applicant amended their application on the 23rd February 2015 to the above hours. The original hours requested in the application form was 07:00 to 23:00.

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

1. The licence holder will ensure that the premises benefit from a CCTV system that operates at all times when licensable activities are taking place.
2. The system will incorporate a camera covering each of the entrance doors and the main alcohol display area and will be capable of providing an image which is regarded as identification standard. The precise positions of the camera may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.
3. The system will incorporate a recording facility and any recording will be retained and stored in a suitable and secure manner for a minimum of 30 days and will be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.
4. The system must be able to export recorded images to a removable means e.g. CD/DVD and have its own software enabled to allow playback/review.
5. A member of staff trained in the use of the CCTV system must be available at the premises at all times the premises are open to the public.
6. The system will display, on any recording, the correct time and date of recording.
7. There shall be no sale of single cans of beers, lager or cider from the premises and no single bottles of beer, lager or cider in vessels of less than 500ml or more than 1500ml.
8. There shall be no sale of beer, lager or cider with an AVB content of 5.5%AVB or above save for premium products which have been agreed with the police (email authority will suffice).
9. There shall be no self service of spirits except for spirit mixers.
10. The store will join Cambridge Business Against Crime (Cambac) and operate a Cambac radio. This will be used by a responsible member of staff or security officer.
11. The applicant will at all times maintain adequate levels of staff and security. Such staff and security levels will be disclosed, on request, to the licensing authority and police.
12. Signage will be displayed at the exit of the premises requesting customers leaving the premises late at night to do so quietly and with consideration so as not to disturb nearby residents.

13. The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.
14. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales:
 - induction training which must be completed and documented prior to the sale of alcohol by the staff member;
 - refresher/reinforcement training at intervals of no more than 6 months.Training records will be kept at the premises available for inspection by a police officer or other authorised officer on request.
15. All cashiers shall be trained to record refusals of sales of alcohol in a refusals register. The register will contain:
 - details of the time and date the refusal was made;
 - the identity of the staff member refusing the sale;
 - details of the alcohol the person attempted to purchase.The register will be available for inspection by a police officer or other authorised officer on request.

1.4 In accordance with the regulations of the Act, the application was advertised on the premises and in the Cambridge News to invite representations from responsible authorities and other persons. The last date for submitting representations was the 13 February 2015.

1.5 Representations have been received from 166 Other Persons, (162 against the application, 4 in support) and one petition. The representations are attached to the report as Appendix B and the petition as Appendix C. No representations were received from any of the Responsible Authorities but Environmental Health has agreed the following condition:

“Collections from and or deliveries to the premises (save for newspapers and magazines), shall only take place between the hours of 07:00 and 23:00. This shall include the placing of waste, including bottles, into waste receptacles outside the premises and the emptying of waste receptacles by a waste contractor.”

The agreed condition and the reasons given for Environmental Health not making a representation are attached to the report as Appendix D.

1.6 The application needs 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 are 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 but has not been addressed explicitly in the application.

3.2 The Council's Statement of Licensing Policy contains information on the cumulative impact.

3.3 There is currently a Premises Licence in operation at the premises. PRECAM 000396 is held by Mrs Daksha Brahmhatt in respect of MACE, 78-80 Mill Road, Cambridge, CB1 2AS. The Premises Licence, showing the permitted licensable activities and permitted hours along with the conditions in force on this licence is attached to the report as Appendix E. Sainsbury's Supermarkets Limited do, if they so wish, have the option to apply to transfer this Premises Licence from Mrs Brahmhatt to themselves. Only Cambridgeshire Constabulary can object to an application to transfer a Premises Licence. The Guidance issued under Section 182 of the Licensing Act 2003 states: "In exceptional circumstances where the chief officer of the police believes the transfer may undermine the crime prevention objective, the police may object to the transfer. Such objections are expected to be rare and arise because the police have evidence that the business or individuals seeking to hold the licence or businesses or individuals linked to such persons are involved in crime (or disorder)."

If Sainsbury's applied to transfer the Premises Licence, and it was granted, then the licensing activities and conditions on Premises Licence PRECAM 000396 would remain in place. If Sainsbury's wish to add extra licensing activities and/or changes to the hours of operation they would have to make an application to vary the Premises Licence PRECAM 000396.

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 (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 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 and the interested party 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.

5.3 Members must give reasons for their decision.

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 Environmental Health Team, Cambridge City Council's Planning Service, Cambridgeshire County Council's Child Protection & Review Unit, Cambridgeshire County Council's Trading Standards Department and the Public Health Director 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 Luke Catchpole on extension 7818

The author and contact officer for queries on the report is Luke Catchpole on extension 7818.

Report file:

Date originated: 23 February 2015

Date of last revision: 23 February 2015