

CAMBRIDGE CITY COUNCIL

REPORT OF: Jas Lally
Head of Refuse and Environment

TO: Licensing Sub-Committee

11/05/2015

WARDS: Market

CONSIDERATION OF AN APPLICATION TO VARY A PREMISES LICENCE TO BE GRANTED: THE CASTLE, 37 ST ANDREWS STREET, CAMBRIDGE, CB2 3AR

1 INTRODUCTION

- 1.1 An application under section 34 of the Licensing Act 2003 to vary the Premises Licence issued in respect of The Castle, 37 St Andrews Street, Cambridge, CB2 3AR has been received from Greene King Retailing Ltd. The application is attached to the report as Appendix A. The application was served on Cambridge City Council (the Licensing Authority) on 16th March 2015. A copy of the application was also served on each responsible authority.
- 1.2 The applicant is seeking to vary the premises licence as per the following extensions:

Supply of Alcohol (On & Off the Premises)

Sun – Wed	00:00 to 03:00
Thursday	02:00 to 03:00

Recorded Music (Indoors)

Sun – Wed	23:00 to 03:00
Thursday	01:00 to 03:00

Opening Hours

Sun – Wed	00:30 to 03:30
Thursday	02:30 to 03:30

To remove the following conditions from Annex 2 of the Premises Licence, which is attached to the report as Appendix B:

2. This licence is granted on the condition that any other restrictions contained within the enactments specified under the Licensing Act 2003 (Schedule 8(6)) are adhered to.

5. Karaoke and/or the use of percussion instruments shall not be permitted.

6. When regulated entertainment is held, all external doors and external windows shall be kept shut at all times, apart from the main entrance door/s from St Andrews Street (that allows general ingress and egress) which shall be stewarded and kept closed so far as reasonably practicable.

7. On all days when the premises are open after 23:00 hrs for any licensable activity all external doors and windows shall be kept shut at all times, apart from the main entrance door/s from St Andrews Street (that allow general ingress and egress) which shall be kept closed so far as reasonably practicable.

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. No new entry to the premises after 02:30 hours on any day of the week except for bona fide guests staying overnight at the premises.
2. The manager/DPS will ensure that the premises operates any night time radio link scheme used for late night premises in Cambridge City Centre at the premises during the hours of operation.
3. A dispersal policy will be drawn up and implemented to ensure that customers leaving the premises do so as far as practicable without causing nuisance to residents in the immediate vicinity of the premises.
4. An incident log ('the log') will be maintained and used at the premises, recording all incidents of crime and disorder or public nuisance witnessed at the premises. The Log will include the date, time and name of member of staff making the record, along with details of the incident and any action taken. The Log will be made available to police officer on request.
5. A CCTV system will be installed and maintained at the premises. The CCTV system will include cameras capable of recording head shots of customers entering the premises as well as covering the bar server. The CCTV system will be capable of burning footage onto portable storage devices,

such as memory stick and/or DVD. Such recordings will be made available to the Police upon request and provided on a portable device to the Police within 24 hours of the request.

6. A complaints log ('the log') will be maintained and used at the premises for any complaints received in relation to noise nuisance caused by the premises. The Log will include details of the time, date and person making the entry, along with details of the complaint and any action taken. The Log will be made available to Police officers on request.
7. During regulated entertainment or after 23:30 in any event, all doors and windows in the licensed premises will be closed, except for access and egress via the main entrance on St Andrews Street.
8. Door supervisors will be provided every Friday and Saturday from 22:30 hours. On all other evenings where licensable activities are intended to be provided past midnight, the DPS/Manager will risk assess the need for door supervisors. The assessment will consider the nature and times of the proposed entertainment, the expected audience/customer numbers and whether door supervisors will be required. The number of supervisors, their start and finish times and the company providing the door supervisors will be noted in the risk assessment which will be in writing and kept for at least one month. The risk assessments will be made available to police or licensing officers on request.
9. Cloakroom facilities will be provided on a Friday and Saturday from 23:00 hours and on all other evenings when the premises are open past Midnight.

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 April 2015.

1.5 Representations have been received from 1 Responsible Authority. The representation is attached to the report as Appendix C.

1.6 The application needs to be determined.

2. RECOMMENDATIONS

2.1 Members should 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 representation but has not been specifically addressed by the applicant.
- 3.2 The Council's Statement of Licensing Policy contains information on the cumulative impact.
- 3.3 The Premises Licence has been in effect since 27th September 2005.
- 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
 - 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 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 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: 28 April 2015

Date of last revision: 28 April 2015