

## CAMBRIDGE CITY COUNCIL

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REPORT OF: Jas Lally  
Head of Refuse and Environment

TO: Licensing Sub-Committee

08/06/2015

WARDS: Market

### **CONSIDERATION OF AN APPLICATION FOR A PREMISES LICENCE TO BE GRANTED: THE OLD BICYCLE SHOP, 104 REGENT STREET, CAMBRIDGE, CB2 1DP**

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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 The Old Bicycle Shop, 104 Regent Street, Cambridge, CB2 1DP has been received from City Pub Company (East) 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 7<sup>th</sup> April 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 (On & Off the Premises)

Mon – Sun 10:00 to 00:00

Late Night Refreshment

Mon – Sun 23:00 to 00:00

Opening Hours

Mon – Sun 08:00 to 00:30

1.3 The applicant has indicated in section 18 of the application form (Appendix A) that the following steps will be taken to promote the four licensing objectives:

1. The licence holder will train all members of staff for the sale of alcohol and refresher training will take place every six months. A training log shall be kept at the premises and made available on request to an authorised officer of the Council or the Police.
2. An electronic log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the Police or an authorised officer of the Council at all times whilst the premises are open.
3. The premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling a clear facial image of every person entering in any light conditions. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be made available immediately upon request of police or authorised officer throughout the proceeding 31 day period.
4. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show the Police or authorized Council officer recent data or footage and provide Police and/or Council officers with a copy of the recording with absolute minimum of delay when requested.
5. As soon as possible, and in any event within 1 month from the grant of this licence, the premises shall join the local Pubwatch or other local crime reduction scheme approved by the Police, and local radio scheme if available.
6. The venue shall provide information of local taxi firms and transport links to all patrons leaving the venue.
7. The premises licence holder shall devise and implement a dispersal policy to ensure that patrons do not congregate outside the premises and they disperse from the premises in an orderly and quiet manner so as not to disturb the residents within the vicinity.
8. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
9. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local

residents and use the area quietly.

10. The roof terrace will close before 22:00 each day.

11. A challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.

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 5 May 2015.

1.5 Representations have been received from 1 Responsible Authority and 1 Other Person. The representations are attached to the report as Appendix B. Cambridge Constabulary has not raised a representation in respect of this application. However, the Police Licensing Officer has indicated that a number of conditions have been agreed in principle, with the applicant. The police are asking the Sub-Committee, if it is minded to grant a licence, to attach those conditions in order to reduce the likelihood of a negative impact on the licensing objective of crime and disorder. The proposed conditions have been attached to the report as Appendix C. Licensing Officers have reviewed the proposed conditions to determine relevance and enforceability and suggest that, if the Sub-Committee are minded to grant the licence, they consider, in addition to any other conditions which they deem appropriate for the promotion of the licensing objectives, whether to impose a revised version of the police conditions, as follows:

1. Alcoholic drinks shall not be removed from the premises in open containers.
2. Persons in possession of open containers of alcoholic drink shall not be permitted to enter the premises.
  - A written or electronic log shall be kept of all refusals to admit persons. The log shall be kept and maintained at the premises and available to an authorised officer or police officer on request.
3. The licence holder or Designated Premises Supervisor shall undertake a written risk assessment to determine when door supervision is required to control access to the premises. The assessment shall take into account advice provided by the police, in particular with regard to specific dates or events and shall be reviewed and updated at least every six months. All staff undertaking door supervision must have accredited training and licensed by the Security Industry Authority.
4. Digital CCTV, with appropriate recording equipment, shall be installed, operated and maintained with sufficient cameras to cover

all public areas, including the roof terrace and external frontage of the premises.

- The system shall be operational and live at all times when licensable activity is taking place.
  - Images shall be recorded and shall display accurate dates and times (including changes at the start and end of British Summer Time) and shall be capable of recording a clear facial image of persons entering and leaving the premises under all light conditions.
  - Images recorded shall be retained for a minimum of 31 days and shall be made available to authorised officers or police officers immediately upon request.
  - Management arrangements shall ensure that a staff member who is fully trained and competent in the operation of the CCTV system is available at all times that the premises are open to the public.
  - Staff shall give full and immediate cooperation and technical assistance to authorised officers and police officers in the event that CCTV footage is requested for the purpose of the prevention or detection of crime or offences and show officers recent data or footage on request.
  - Staff shall also be trained and able to download images from the system on to other relevant media.
5. Substantial food refreshment shall be available at all times when the premises are open to the public.
  6. Clear written information shall be displayed within the premises regarding local taxi services and other public transport.
  7. Prominent and legible notices shall be displayed at all exits, requesting patrons to leave the premises and area quietly, so as to respect the needs of local residents. The licence holder shall devise and implement a policy for the dispersal of patrons who seek to congregate outside the premises and this shall include consideration as to when to seek police assistance.
  8. The Designated Premises Supervisor, or other suitable person nominated by the licence holder, shall join the CAMBAC Nightsafe scheme (whilst such a scheme is in existence) and shall be able to demonstrate active support for its work, including use of banning policies and regular attendance at meetings, either personally or by proxy.
  9. Effective supervision of all areas must be maintained at all times when the premises is open to the public, with special attention being paid to the external roof terrace, to ensure that no public nuisance is caused.
  10. At all times when the premises is offering alcohol for sale, a "Challenge 21" policy shall be operated actively to ensure that alcohol is not supplied to any person who is under age. Acceptable forms of identification shall be only identity cards with a "PASS"

accreditation, passports or a photo ID driving licence (or such identification cards as may be approved by central government).

11. All staff authorised to sell alcohol shall, before being authorised, have been trained regarding necessary precautions to prevent the sale of alcohol to persons under the age of 18 years.
  - Up to date written records of such training shall be maintained on the premises and available to an authorised officer or police officer on request.
  - A written or electronic log shall be kept of all refusals to sell alcohol. The log shall be kept and maintained at the premises and available to an authorised officer or police officer on request.
12. Children under the age of 16 years shall not be permitted to enter or remain in the premises after 22:00 when any licensable activity is taking place unless they are a resident, dining with an adult or attending a pre-booked function.

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 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 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

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