

Licensing Act 2003

Notice of Determination of an Application to review a Premises Licence

Pink Elephant, 16 Milton Road, Cambridge, CB4 1JY

To: Amirthanathan Anton Mariyarasa

Of: 102 Arbury Road, Cambridge, CB4 2JF

the premises licence holder

Cambridge City Council, being the licensing authority, on 1st November 2013 received an application from Cambridge Constabulary, a responsible authority, under Section 51 of the Licensing Act 2003, for a review of the premises licence in respect of Pink Elephant, 16 Milton Road, Cambridge, CB4 1JY.

The application related to the following licensing objectives:

1. the prevention of crime and disorder
2. public safety
3. the prevention of public nuisance

The application was advertised in accordance with the regulations and representations in support of the licence holder retaining the licence were received from 8 other persons and 1 petition.

The application was listed for determination on 13th January 2014 and a hearing to consider the review was held on that date, by the Licensing Sub-Committee.

The Sub-Committee comprised Councillor Rosenstiel,(in the Chair), Councillor Gawthrope and Councillor Meftah.

Representations were made by:

Inspector Steve Poppitt, PS Jayne Drury, PS Jason Wragg, PC John Hopper, PC Rob Streater, PC Lee Nutbeam, PC Peter Sinclair, and Rohan Komur in support of the review.

Mr and Mrs Anton Mariyarasa, (premises licence holder), Miss Bustarni solicitor, Mohammed Batin and Mr Raut-Roy, in support of the premises licence holder.

The Sub-Committee made the following findings:

1. Mrs Anton Mariyarasa had accepted a caution for selling alcohol to a drunk person on 14th March 2013.
2. Sales of alcohol represent 70% of the turnover of the business although this was mainly in the evenings.
3. The licensees offered two additional conditions to their licence:
 - (i) Sale of alcohol to be restricted to after 12:00 hours.

- (ii) Beers and cider of greater than 5.5% ABV to be kept behind the counter with no self service.

In reaching a decision on the application, the Sub-Committee considered the material presented orally and in writing, the evidence of those making representations, as listed above, the statutory provisions, the Council's Statement of Licensing Policy, the statutory guidance issued under s182 of the Licensing Act 2003 and advice from the Council's Legal Officer.

The Sub-Committee decided:

1. to modify the conditions, in accordance with the attached list, including a new condition, No. 6, that states, "No beers or cider of strength more than 5.5% ABV shall be sold".

for the following reasons:

The sub-committee were persuaded that revocation of the licence would make the business unviable and that the evidence presented was not of sufficient weight to impose such a drastic measure. The sub-committee took section 10 of the Council's Licensing Policy into account when deciding this.

The sub-committee were, however, persuaded that there is a causal link between regular purchases of alcohol, especially of high strength, from the Pink Elephant, and activities in breach of the licensing objectives in the vicinity of Mitcham's Corner. The conditions imposed, including the new condition 6, seek to break that link and promote the licensing objectives. If they are successful, it will be open to the licensee to apply for a variation to relax some or all of the new conditions at some future time.

Dated: 16th January 2014

Signed



Robert Osbourn
Licensing & Enforcement Manager

Please address any communications to:

The Licensing & Enforcement Manager
Refuse & Environment Service
Cambridge City Council
PO Box 700
Cambridge
CB1 0JH
Tel: 01223 457888

Note: An appeal against this decision may be made by the premises licence holder / a person who made relevant representations / the Chief Officer of Police as applicable (see Schedule 5 of the Act) to the magistrates' court for the petty sessions area (or any such area) in which the premises concerned are situated within 21 days from the date of receipt of the notification of the decision.

List of conditions to be attached to the licence:

1. There shall be no sale of alcohol before 12 noon.
2. Security covers shall be used to cover the alcohol displays from view when the shop is open outside licensing hours.
3. Clear and legible notices shall be prominently displayed showing a message such as "If you appear to be intoxicated we will refuse to serve you. If necessary the police shall be contacted."
4. The main window above till level, adjacent to the counter and entrance door, shall be kept clear of stickers and notices in order to afford staff adequate visibility of customers approaching the entrance door.
5. All instances of crime and disorder must be reported to the police and kept in an incident log book.
6. No beer, lager or cider more than 5.5% ABV shall be sold.
7. No discount shall be offered on multiple purchases of alcohol.
8. Any staff engaged or to be engaged in the sale of alcohol in the premises, who do not hold a personal licence, shall receive training to include the prevention of under-age sales and sales to intoxicated people. A record of such training to be kept with refresher training provided at intervals of not less than 6 months. Training records shall be available for inspection by a police officer or authorised officer of the licensing authority upon request.
9. A CCTV system shall be installed, or the existing system maintained, such system to be fit for the purpose:
 - i) Images shall be retained for 31 days and made available to the police and/or an authorised officer from the licensing authority upon reasonable request. The system will incorporate a camera covering the entrance doors and the alcohol display areas and

- will be capable of providing an image which is regarded as identification standard.
- ii) The system will display on any recording the correct time and date of the recording.
- iii) A service system will be in place to maintain the quality of the recorded image.

10. A refusal book shall be in operation at all times and available for inspection if requested by a police officer or authorised officer of the licensing authority.
11. The DPS shall be an active member of the Cambridge Business Against Crime (CAMBAC).
12. The DPS or relevant person shall actively operate a 'Challenge 25' policy. Notices to that effect shall be displayed. This will include voluntary agreement to only accept identity cards with a 'pass' accreditation, passports or photo ID driving licences, or any future identification card as approved by central government as bona fide recognised forms of identification.
13. The licence holder or an authorised representative shall attend meetings of the City North Area Committee when requested to do so by the police.