

CAMBRIDGE CITY COUNCIL

REPORT OF: Licensing & Enforcement Manager

TO: Licensing Sub-Committee

22/06/2015

WARDS: West Chesterton

CONSIDERATION OF AN APPLICATION TO VARY A PREMISES LICENCE: PINK ELEPHANT, 16 MILTON ROAD, CAMBRIDGE, CB4 1JY

1 INTRODUCTION

- 1.1 An application under section 34 of the Licensing Act 2003 to vary the Premises Licence issued in respect of Pink Elephant, 16 Milton Road, Cambridge, CB4 1JY has been received from Amirthananthan Anton Mariyarasa. The application is attached to the report as Appendix A. The application was served on Cambridge City Council (the Licensing Authority) on 1st May 2015. A copy of the application was also served on each Responsible Authority.
- 1.2 The applicant is seeking to vary the premises licence to extend the licensable hours as follows:

Supply of Alcohol (Off the Premises)

Mon - Sun

09:00 to 12:00

Sunday

22:30 to 23:00

To remove condition 6 from Annex 3 of the Premises Licence, which is attached to the report as Appendix B:

6. No beer, lager or cider more than 5.5% ABV shall be sold.

1.3 The applicant has indicated in section 16 of the application form

(Appendix A) that the following condition can be used to replace condition 6:

1. No beer, lager or cider above 6.5% ABV shall be sold from the premises.
- 1.4 In accordance with the requirements 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 29 May 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 not located within a cumulative impact area.
- 3.2 The Premises Licence has been in effect since 20th September 2005. It was reviewed on 13th January 2014, following a formal request by Cambridgeshire Constabulary, when a number of conditions were added to the licence. The notice of determination from the review is attached to the report as Appendix D.
- 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 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

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