

CAMBRIDGE CITY COUNCIL

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REPORT OF: The Licensing Manager

TO: Licensing Sub-Committee

5<sup>th</sup> January 2011

APPLICATION: Application for a new Premises licence:  
The Varsity Hotel, Thompson's Lane, Cambridge

WARD: Market

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## **1 INTRODUCTION**

1.1 To consider and determine this application for a new premises licence for The Varsity Hotel, taking into account the representations of the interested parties detailed in paragraph 5 and the policy considerations detailed in paragraph 6 of the report.

1.2 William Davies is seeking a new premises licence for The Varsity Hotel as follows:

Sale/supply of alcohol (on and off the premises)

Mon – Sun 00:00 to 00:00

Hours premises are open

Mon – Sun 00:00 to 00:00

1.3 A copy of the application and plan is attached at Appendix A.

1.4 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.

## **2 BACKGROUND**

2.1 The applicant describes the premises as a hotel premises operating a boutique nature of business with an emphasis on high quality. The premises will be open to the public 24 hours a day, 365 days of the year. Inside the hotel, the supply of alcohol will be 24 hours a day, but on the roof, supply will only be until 22:00 hours and the roof will be closed at 22:30 to provide minimal disturbance. At night the premises will be locked and entry will only be by means of key or by the security porter managing the premises. There is no history of grant of a premises licence under the Licensing Act 2003. Planning permission has been granted for hotel use.

- 2.2 Thompson's Lane is situated within a cumulative impact area and 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 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. Applicants will need to address the special policy issues in their operating schedule in order to rebut such a presumption. The special policy is set out in section 5 of the Council's Statement of Licensing Policy.

### **3. LICENSING OBJECTIVES ADDRESSED BY APPLICANT**

- 3.1 The Operating Schedule submitted by the applicant in part P of the application addresses the four licensing objectives. The applicant has proposed a number of steps in support of the licensing objectives. Paragraphs 8.41-8.45 and Section 10 of the government guidance refer to the operating schedule and licence conditions. Proposals will very often translate directly into conditions that will be attached to the premises licence. They should be realistic and within the control of the applicant/management responsible for running the premises.

The following could be considered as appropriate conditions:

The Prevention of Crime & Disorder

The reception will be manned 24 hours a day.

CCTV will be installed at the premises and maintained in working order, with recording retained for 14 days. CCTV will record and display dates and times.

Public Safety

At least one member of staff shall be trained in first aid.

All staff will be trained in emergency planning.

There will be clear fire signage throughout the building and staff be familiar with evacuation techniques and fire fighting equipment.

An external fire safety officer shall be employed.

The prevention of public nuisance

Staff shall ensure that noise levels will be kept to a minimum to avoid disturbance to residents.

Please see paragraph 4.1 below for 3 additional conditions to be added to the licence.

The protection of children from harm

All children must be accompanied by an adult, within the premises where licensable activities may be taking place.

The hotel must operate a proof of age scheme.

- 3.2 The applicant has submitted an additional page to the application addressing cumulative impact.

### **4. REPRESENTATIONS FROM RESPONSIBLE AUTHORITIES**

- 4.1 Discussions have taken place between the applicant and the team leader, environmental protection and it has been agreed that a representation would not be made providing the following measures are converted into conditions on the licence:

The Prevention of public nuisance

Waste will be stored in the bins within the undercroft.

Waste will be collected between the hours of 07:00 and 22:00.

The roof terrace shall only be used between the hours of 07:00 and 22:30.

- 4.2 No representations have been received from, Cambridgeshire Constabulary, Cambridgeshire Fire & Rescue, the Environmental Health Manager for Food and Occupational Safety, Planning, Child Protection and Trading Standards, the remaining Responsible Authorities.

## 5. REPRESENTATIONS FROM INTERESTED PARTIES

- 5.1 Twenty one representation have been received from 'interested parties' defined as: persons living in the vicinity; persons involved in a business in that vicinity and bodies representing persons living or involved in such a business. Eleven representations oppose the application, ten representations are in support. The ordinary meaning of vicinity is 'near'. The representations are attached in their entirety at Appendix B. Not all matters raised within the representations may be relevant matters for consideration under the Licensing Act 2003.

## 6 POLICY CONSIDERATIONS

- 6.1 In carrying out its licensing functions, the Licensing Authority must have regard to its Statement of Licensing Policy and any statutory guidance issued under Section 182 of the Licensing Act 2003.

- 6.2 **The Council's Statement of Licensing Policy:** the following sections/paragraphs are applicable to this application:

- Objectives, section 2.4
- Fundamental principles, section 4
- Cumulative impact, section 5
- Licensing hours, section 6
- Licence Conditions, section 8

- 6.3 **The Statutory Guidance:** the following sections/paragraphs are applicable to this application:

Sections 2.1- 2.50 of the guidance cover the four licensing objectives. Sections 2.32 – 2.40 of the guidance cover public nuisance. Section 2.32 considers it important that that licensing authorities focus on impacts of the licensable activities at the premises on persons living and working in the vicinity that are disproportionate and unreasonable.

Section 8.5 – 8.11 covers interested parties.

Section 9 covers the determination of applications, with sections 9.3 – 9.13 giving guidance to cover situations where representations have been made. Sections 9.4 –9.6 address the issues of relevance and vicinity. Section 9.12 recommends that in borderline cases the benefit of doubt should be given to the interested party making the representation. The subsequent hearing would provide an opportunity for the person to amplify and clarify it. If it then emerged that the representation should not be supported, the licensing authority could decide not to take any action.

Section 10.15 – 10.18 covers duplication and other statutory provisions.

Sections 13.24 -13.39 cover cumulative impact. Section 13.29 sets out the effects of adopting a cumulative impact policy. There is a rebuttable presumption that applications for new premises licences will normally be

refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

- 6.4 Members should only impose conditions, which are proportionate and are necessary to promote the licensing objectives (10.11, 10.13 & 10.14). Conditions which are imprecise or difficult for a licence holder to observe should be avoided (10.4).

## **7. CONCLUSIONS**

- 7.1 The Licensing Authority has a duty under the Licensing Act 2003 by promoting 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, any Statutory Guidance under the Licensing Act 2003 and 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.

## **8. OPTIONS**

- 8.1 Members should, having regard to the representation, take such steps as they consider are necessary for the promotion of the licensing objectives.
- 8.2 The steps are to grant the licence subject to conditions, modified as necessary, to exclude a licensable activity, or to reject the application. Conditions are modified if they are altered, omitted or any new condition added. (Licensing Act 2003 section 18(4) & (5)).
- 8.3 Members should consider Section 13.29 of the Act and Section 5 of Cambridge City Council's Statement of Licensing Policy relating to cumulative impact. Licences will normally be refused, following relevant representation, unless the applicant can demonstrate in the operating schedule (see section 3 above) that there will be no negative cumulative impact on one or more of the licensing objectives.

## **9 RECOMMENDATION**

- 9.1 That members' determine the application on its individual merits.

### **BACKGROUND PAPERS:**

The following are the background papers that were used in the preparation of this report:

Guidance issued under section 182 of the Licensing Act 2003  
The Council's Statement of Licensing Policy

To inspect these documents contact Christine Allison on ext. 7899.

The author and contact officer for queries on the report is Christine Allison, on extension 7899.

Report file: M:\EVERYONE\LICENCE\LICACT2003COMMITTEEMTG\LC11-0501/Varsity Hotel

Date originated: 17<sup>th</sup> December 2010.

Date of last revision: 17<sup>th</sup> December 2010.