

CAMBRIDGE CITY COUNCIL

REPORT OF: Yvonne O'Donnell
Environmental Health Manager

TO: Licensing Sub-Committee 28/11/2016

WARDS: Market

**CONSIDERATION OF AN APPLICATION TO VARY A PREMISES
LICENCE: Charlies Coffee Co Ltd, 44-45 Burleigh Street,
Cambridge, CB1 1DJ**

1 INTRODUCTION

- 1.1 An application under section 34 of the Licensing Act 2003 to vary the Premises Licence issued in respect of Charlies Coffee Company, 44-45 Burleigh Street, Cambridge, CB1 1DJ has been received from Charlie's Coffee Company Ltd. The application is attached to the report as Appendix A. The application was served on Cambridge City Council (the Licensing Authority) on 4th October 2016. A copy of the application was also served on each responsible authority. The current Premises Licence is attached to the report as Appendix B.
- 1.2 The applicant is seeking to vary the premises licence as per the

following extensions:

Supply of Alcohol (On the Premises)

Monday - Sunday 11:00 to 24:00
(currently Monday – Sunday 12:00 to 21:00)

Recorded Music (Indoors)

Monday - Sunday 08:00 to 23:00

The applicant did apply for Recorded Music from 08:00 to 00:00 but has agreed with Environmental Health to cease recorded music at 23:00.

Live Music

Monday – Sunday

09:00 to 23:00

The applicant did apply for live music from 09:00 to 00:00 but has agreed with Environmental Health to cease live music at 23:00.

Exhibition of Films

Monday – Sunday

08:00 to 23:00

The applicant did apply for exhibition of films from 08:00 to 00:00 but has agreed with Environmental Health to cease the exhibition of films at 23:00.

The applicant also wishes to remove condition 4 of Annex 2:

“There shall be no draft beers or draft lagers sold on the premises.”

Remove condition 5 of Annex 2:

“There will be no spirits sold on the premises save for those sold as part of a beverage mix such as coffee liquor or similar.”

Replace condition 12 of Annex 2:

“The external seating area will not be used for the consumption of alcohol, all tables and chairs will be removed and securely stored away at closing.”

With:

“The external seating area, located outside the front of the premises, shall not be used for the consumption of alcohol and will only be used between the hours of 08:00 to 22:00 after which time all tables and chairs will be removed and securely stored away.”

This condition has been agreed with Environmental Health.

As an advisory note, no licence is required for Live Music (amplified) and Recorded Music between the hours of 08:00 to 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500 under The Live Music Act 2012.

- 1.3 A list of conditions that will be added to the existing Premises Licence, should it be granted have been attached to the report as Appendix C. Members can add further conditions to this list if so minded.
- 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 2 November 2016.
- 1.5 Representations have been received from 1 Other Persons. The representation is attached to the report as Appendix D. No representations were received from any of the Responsible Authorities but Environmental Health have agreed conditions, which are included in Appendix C.
- 1.6 The application needs to be determined.

2. RECOMMENDATIONS

- 2.1 That Members' 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.
- 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 1st October 2014.
- 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
- Cumulative impact, section 5
- 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.

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.

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