

CAMBRIDGE CITY COUNCIL

REPORT OF: Yvonne O'Donnell
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TO: Licensing Sub-Committee

28/11/2016

WARDS: Petersfield

CONSIDERATION OF AN APPLICATION TO VARY A PREMISES LICENCE: BACKSTREET BISTRO, 2 STURTON STREET, CAMBRIDGE, CB1 2QA

1 INTRODUCTION

- 1.1 An application under section 34 of the Licensing Act 2003 to vary the Premises Licence issued in respect of Backstreet Bistro, 2 Sturton Street, Cambridge, CB1 2QA has been received from The City Pub Company (East) Plc. 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 7th October 2016. A copy of the application was also served on each responsible authority.
- 1.2 The applicant is seeking to vary the premises licence as per the plans submitted with the application. The Premises Licence and the current plans are attached to the report as Appendix B.

The applicant also wishes to remove the following conditions:

The last paragraph of Condition 1 in Annex 2 – “Alcohol may be sold supplied, consumed in or taken from the premises except for one hour following the hours set out above and on Christmas day, between 15:00 and 19:00 to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person on that part of the premises as

an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.”

Condition 12 in Annex 2 – “No children allowed unless dining”

Condition 13 in Annex 2 – “Children’s area to be designated a non-smoking area”

The variation does not relate to any of the licensable activities and timings already set out in the Premises Licence.

- 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 4 November 2016.
- 1.5 Representations have been received from 8 Other Persons. The representations are attached to the report as Appendix D. A number of other comments were received about the application but these were not valid representations as they made comments on the planning application as opposed to the application to vary to the premises licence. No representations were received from any of the Responsible Authorities but Environmental Health and Cambridge Constabulary have agreed conditions, which are included in Appendix C.
- 1.6 The representations received relate to the change in the plan of the premises. The variation can only be determined upon what has been applied for (stated in Paragraph 1.2 of this report), not what the current Premises Licence allows.
- 1.7 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 not located within a cumulative impact area.
- 3.2 The Premises Licence has been in effect since 20th July 2005.
- 3.3 The premises licence was transferred to The City Pub Company (East) Plc on 22nd August 2016.
- 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.

(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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