

## CAMBRIDGE CITY COUNCIL

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REPORT OF: Joel Carre  
Head of Environmental Services

TO: Licensing Sub-Committee 10/07/2017

WARDS: Petersfield

**CONSIDERATION OF AN APPLICATION FOR A VARIATION OF  
A PREMISES LICENCE TO BE GRANTED: HOT NUMBERS, UNIT  
6, DALES  
BREWERY, GWYDIR STREET, CAMBRIDGE, CB1 2LJ**

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### 1 INTRODUCTION

1.1 An application under section 34 of the Licensing Act 2003 to vary the Premises Licence issued in respect of Hot Numbers, Unit 6, Dales Brewery, Gwydir Street, Cambridge, CB1 2LJ has been received from Simon Fraser. The application and copy of plans are attached to the report as Appendix A and the existing Premises Licence is attached to the report as Appendix B. The application was served on Cambridge City Council (the Licensing Authority) on 24<sup>th</sup> May 2017. A copy of the application was also served on each responsible authority.

1.2 The applicant is seeking to vary his premises licence to the following:

Supply of Alcohol

Mon – Sun 12:00 to 23:00  
(Currently permitted to sell alcohol until 22:30 Monday to Sunday)

To be permitted to have off the premises sales of alcohol in order to sell bottles of alcohol for retail purposes and to allow consumers to drink alcohol at the outside area included in the plans.

After advice from Cambridge Constabulary, the applicant withdrew the request to allow alcohol to be consumed in the outside area. Therefore the off licence aspect is restricted to retail customers purchasing bottled coffee beers.

To remove the following conditions from Annex 2 of the current Premises Licence:

Condition 2 – Save for condition (3) below, alcohol shall not be sold or supplied on the premises otherwise than as ancillary to persons consuming food.

Condition 3 – Alcohol may also be sold or supplied to persons attending bona fide pre-arranged live performances, poetry readings, exhibitions or something of a like nature and limited to a maximum of 2 occasions per week.

Condition 4 – Alcohol shall only be served on the premises to persons seated at tables or counters by waiting staff.

Condition 5 – Alcohol shall be decanted from any bottles into drinking vessels by staff prior to being served to those customers.

Condition 7 – No draft beer shall be sold/supplied.

Condition 8 – There shall be no sale and/or supply of alcohol off the premises.

- 1.3 The applicant has held eight Temporary Event Notices over the last 12 months that has allowed the premises to sell alcohol until 23:00.
- 1.4 In accordance with 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 21<sup>st</sup> June 2017.
- 1.5 A list of conditions that will form the 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.

- 1.6 Representations have been received from one 'Other Person' and this is attached to the report as Appendix D. No representations were received from any Responsible Authority but Cambridge Constabulary have agreed conditions with the applicant and these are included in Appendix C.
- 1.7 The application is therefore yet 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 Licence was granted to Simon Fraser on 1<sup>st</sup> October 2012, following a Licensing Sub-Committee hearing. The licence was varied on 12<sup>th</sup> August 2013 following a Licensing Sub-Committee hearing and was further varied on 28<sup>th</sup> July 2014 following a Licensing Sub-Committee hearing.
- 3.2 There has been two calls to the Out of Hours Service in the last 12 months regarding the premises allegedly causing a noise disturbance. However no noise disturbance has been witnessed through either of these complaints.
- 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
  - 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 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 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

The author and contact officer for queries on the report is Luke Catchpole on extension 7818.

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