

Agenda Item



**CONSIDERATION OF AN APPLICATION FOR A PREMISES
LICENCE TO BE GRANTED**

The Seven Stars, 249 Newmarket Rd, Cambridge, CB5 8JE

To: Licensing Sub-Committee:

Report by: Alexander Nix

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Wards affected: Abbey

INTRODUCTION

- 1.1 An application under section 17 of the Licensing Act 2003 (the 'Act') for a Premises Licence to be granted in respect of The Seven Stars, 249 Newmarket Rd, Cambridge, CB5 8JE has been received from Marketcam Ltd. registered at 5 Drosier Rd, Cambridge, CB1 2EY. The application was served on Cambridge City Council (the Licensing Authority) on 4th September 2019. A copy of the application was also served on each responsible authority. The full application is attached as Appendix 1 and a plan of the premises is attached as Appendix 2.
- 1.2 The premises was previously licensed as the Seven Stars public house until it closed in 2012. It then became subject to an application to redevelop the whole site for residential use. However planning permission was subsequently granted for a development that retained a unit on the ground floor for the future use of a restaurant and / or public house and this application is seeking to utilise that unit.
- 1.3 The applicant is seeking a Premises Licence to supply alcohol on the premises only between 10:00 and 23:00 on Monday to Sunday inclusive. Please note that, following the provisions of the Live Music Act 2012, live and recorded music are no longer licensable activities between 08:00 – 23:00.
- 1.5 In accordance with the regulations of the Act the application was advertised on the premises and in a local newspaper to invite representations from responsible authorities and other persons. The last date for submitting representations was 2nd October 2019.
- 1.6 Representations were received from one other person dated 29th September. The representation was considered relevant and is attached to the report as Appendix 3.
- 1.7 No representations were received from any of the Responsible Authorities. However Environmental Health agreed two additional conditions under the prevention of public nuisance objective, further to those in the application, with the applicant in liaison with the Police as part of the representation process one of which replaces one of those put forward by the applicant. The conditions are at Appendix 4.
- 1.8 The application needs to be determined.

2. RECOMMENDATION

- 2.1 Members must 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 is not located within a cumulative impact area. It is therefore not subject to a special policy on cumulative impact. However 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.

3.2 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 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 information raised in the representation 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 fulfill 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](#)
- [Cambridge City Council Statement of Licensing Policy](#)

Appendix 1 – Copy of application form

Appendix 2 – Plan of the premises

Appendix 3 – Copy of representation received

Appendix 4 – Copy of conditions agreed with Environmental Health

To inspect these documents either view the above hyperlinks or contact Alexander Nix on x7725.

The author and contact officer for queries on the report is Alexander Nix on x7725.

Date originated: 2nd October 2019

Late updated: 3rd October 2019