

**CONSIDERATION OF AN APPLICATION TO VARY A
PREMISES LICENCE
Rutherford Punting Cambridge Ltd., 125 Histon Road,
Cambridge CB4 3JD**

To: Licensing Sub Committee:

Report by: Patricia Kaye (Licensing Enforcement officer)

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Wards affected: Arbury

INTRODUCTION

- 1.1 An application under section 34 of the Licensing Act 2003 to vary the Premises Licence issued in respect of Rutherford Punting Cambridge Ltd., 125 Histon Road, Cambridge CB4 3JD has been received from Rutherford Punting Cambridge 54 Hertford Street Cambridge CB4 3AQ. The premises were previously known as Jesus Green Punting. The application was served on Cambridge City Council (the Licensing Authority) on 8th February 2021. A copy of the application was also served on each responsible authority. The application is attached to the report at Appendix A and the current Premises Licence is attached to the report as Appendix B. The plan of the premises is attached to the report as Appendix C.

- 1.2 The applicant is seeking to vary the premises licence to authorise the sale of alcohol which will be consumed by customers of the applicant who have booked guided trips on punts operated on the River Cam. This will allow customers of Rutherford Punting Cambridge to consume alcoholic refreshments before, during and after their punt tour.
- 1.3 In accordance with the regulations of the Act, the application was advertised on the premises and in the Cambridge Independent to invite representations from responsible authorities and other persons. The last date for submitting representations was 8th March 2021.
- 1.4 Representations were received from three other persons as attached to the report as Appendix D. No representations were received from any of the Responsible Authorities however Environmental Health agreed conditions with the applicant, which if the variation is granted would be added to the existing conditions found at Annex 2 of the premises licence. The Environmental Health representation is attached as Appendix E
- 1.5 The premises or the proposed area of Jesus Green where the alcohol could be consumed are not located within a cumulative impact area as indicated in the representations made.
- 1.6 The application needs to be determined.

2. RECOMMENDATION

- 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 relates to Histon Road but the existing punt station in Jesus Green is covered by this. If granted, the premises licence will authorise the sale of alcohol which will be consumed by customers of the booked guided trips. The licence will also authorise the sale of alcohol via the internet to be delivered to residential or commercial properties.

3.2 The premises licence has been in effect since 27th February 2018. No complaints have been received since this date in respect of the operation of the premises licence.

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 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 variation as applied for;
- (b) to modify the conditions of the licence
- (c) to reject the whole or part of 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](#)

[The Council's Statement of Licensing Policy](#)

Appendix A – Application Form

Appendix B – Current Premises Licence

Appendix C – Plans

Appendix D – Representation

Appendix E – Representation of EH

To inspect these documents either view the above hyperlinks or contact Trish Kaye on extension 7667.

The author and contact officer for queries on the report is Trish Kaye on extension 7667.

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