

Agenda Item



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

The Co-Operative, 44a Mill Road, Cambridge, CB1 2AS

To: Licensing Sub-Committee:

Report by: Luke Catchpole

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Wards affected: Petersfield

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 Co-Operative, 44a Mill Road, Cambridge, CB1 2AS has been received from Co-Operative Group Food Limited. The application was served on Cambridge City Council (the Licensing Authority) on 22nd February 2021. A copy of the application was also served on each responsible authority. The application form is attached as Appendix 1 and a plan of the premises is attached as Appendix 2.
- 1.2 The applicant is seeking a Premises Licence to supply alcohol off the premises only between 11:00 and 20:00 Monday to Sunday.
- 1.3 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 23rd March 2021.
- 1.4 Representations were received from one Responsible Authority, Cambridgeshire Constabulary and this representation is attached as Appendix 3. Representations were also received from 54 other persons. All representations have been included in the report although some of these representations might not be considered relevant by the Licensing Sub-Committee. 50 of these representations were against the grant of the licence and are attached as Appendix 4. 4 of the representations were in support of the grant of the licence and are attached as Appendix 5.
- 1.5 No representations were received from any of the other Responsible Authorities.
- 1.6 A hearing of application to grant a premises licence, should be heard within 20 working days of the representation period ending. However, Regulation 11 of The Licensing Act 2003 (hearings) Regulations 2005 permits the Licensing Authority to extend the time limit specified for the hearing to take place provided it is in the Public Interest to do so. At the request of the applicant, it was agreed to extend the date the hearing would be held by under Regulation 11 and also, allowing time to enable the new Licensing Committee to be appointed following the elections in May 2021, a date of 21st June 2021 was confirmed.

1.7 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'.

2.2 Changes to the Statement of Licensing Policy and the publication of a separate Cumulative Impact Assessment was approved by Full Council on 1st March 2021. As this application was submitted on 22nd February 2021, the previous version of the Statement of Licensing Policy needs to be used when determining this application.

3. BACKGROUND

3.1 The premises are located within the city centre 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 any new premises licence 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.

3.2 This is unless the applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact already being experienced. The Council's 'Statement of Licensing Policy' contains information on the cumulative impact. The section relating to cumulative impact has been taken from the policy and attached to the report as Appendix 6.

3.3 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 'Act' 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](#)
- [Cambridge City Council – Guidance for Applicants](#)

Appendix 1 – Copy of application form

Appendix 2 – Plan of the premises

Appendix 3 – Representation from Cambridge Constabulary

Appendix 4 – Representation from Other Persons

Appendix 5 - Representation in support of application

Appendix 6 – Cumulative Impact Policy

To inspect these documents either view the above hyperlinks or contact Luke Catchpole on (01223) 457818.

The author and contact officer for queries on the report is Luke Catchpole on (01223) 457818.

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