

Agenda Item



**CONSIDERATION OF AN APPLICATION FOR A PREMISES
LICENCE TO BE GRANTED
Best One Express, 4 Fitzroy Street, Cambridge, CB1 1EW**

To: Licensing Sub-Committee:

Report by: Alexander Nix

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Wards affected: Market

INTRODUCTION

- 1.1 An application under Section 17 of the Licensing Act 2003 for a Premises Licence to be issued in respect of Best One Express, 4 Fitzroy St, Cambridge, CB1 1EW has been received from Dilip Bathula. It was served on Cambridge City Council (the Licensing Authority) on 19th October 2021.
- 1.2 The applicant is seeking a Premises Licence to supply alcohol off the premises only between 10:00 and 22:00 Monday to Sunday. The application is attached to the report as Appendix A with a proposed plan of the Premises attached at Appendix B.
- 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 16th November 2021.
- 1.4 During the representation period the applicant agreed to the condition shown below put forward by Environmental Health under the Prevention of Public Nuisance Licensing objective.

“Collections from and or deliveries to the premises, shall only take place between the hours of 07:00 and 23:00. This shall include the placing of waste, including bottles, into waste receptacles outside the premises and the emptying of waste receptacles outside the premises and the emptying of waste receptacles by a waste contractor.”
- 1.5 The applicant also agreed to the addition of 16 conditions proposed by the Police under the Licensing Objectives (Listed below at Point 5). These are shown at Appendix C.
- 1.6 A representation was received on 15th November 2021 from one other person attached to the report at Appendix D.
- 1.7 No representations were received from any of the other Responsible Authorities.
- 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 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, under Section 4.9 of the Cumulative Impact Assessment, the applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact already being experienced.
- 3.3 In carrying out its licensing functions, the Licensing Authority must have regard to its Statement of Licensing Policy, the Cumulative Impact Assessment 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 they must also advertise 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](#)
- [The Council's Statement of Licensing Policy](#)
- [Statement of Licensing Policy: Cumulative Impact Assessment - Cambridge City Council](#)
- [Cambridge City Council – Guidance for Applicants](#)

Appendix List

Appendix A - Premises Licence Application Form Redacted

Appendix B - Premises Licence Plan

Appendix C – Conditions agreed with the Police

Appendix D – Redacted Representation

To inspect these documents either view the above hyperlinks or contact Alexander Nix on (01223) 457725.

The author and contact officer for queries on the report is Alexander Nix on (01223) 457725.

Date originated: 22nd November 2021

Late updated: 29th November 2021