

**CONSIDERATION OF AN APPLICATION TO REVIEW A
PREMISES LICENCE:**

Luxa Sparkles, 103 Cherry Hinton Road, Cambridge

To: Licensing Sub-Committee:

**Report by: Luke Catchpole, Environmental Health and Licensing
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Wards affected: Coleridge

INTRODUCTION

- 1.1 An application under section 51 of the Licensing Act 2003 for a review of the premises licence with respect to Luxa Sparkles, 103 Cherry Hinton Road, Cambridge, CB1 7BS has been received from Immigration Enforcement Alcohol Licensing at the Home Office. The application was served on Cambridge City Council (the Licensing Authority) and the premises licence holder, Mrs Priyamwatha Mariflo on the 14th February 2024. A copy of the application was also served on each responsible authority. The application is attached to the report at Appendix A.
- 1.2 The applicant is seeking a review of the premises licence for the reasons outlined in the application (Appendix A).
- 1.3 In accordance with the regulations of the Act, the application was advertised on the premises and at the Licensing Authority Office, Mandela House, 4 Regent Street, Cambridge, CB2 1BY to invite representations from responsible authorities and other persons. The last date for submitting representations was 13th March 2024.

1.4 Representations were received from 2 Responsible Authorities, Trading Standards and Cambridge City Council acting as the Licensing Authority. The representations are attached to the report as Appendix B.

1.5 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 was granted a premises licence on 10th December 2007. Mrs Priyamwatha Mariflo has been the premises licence holder and Designated Premises Supervisor from this date and throughout the life of the premises licence. A copy of the premises licence is attached to the report as Appendix C.

3.2 A history of any complaints associated with the premises, has been detailed in the Licensing Authorities representation, which can be found in Appendix B.

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
- Licensing Hours, section 6
- Licence Conditions, section 8
- Licence Reviews, section 10

4. CONSULTATIONS

4.1 The Licensing Act 2003 requires applications made under section 51 of the Act to be served on the Responsible Authorities and also advertised on the premises and at the main Licensing Authority office. 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, the premises licence holder and the information raised in the representations 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 leave the licence as it is;
- (b) to modify the conditions of the licence;
- (c) to exclude a licensable activity from the scope of the licence;
- (d) to remove the designated premises supervisor;
- (e) to suspend the licence for a period not exceeding three months;
- (f) to revoke the licence.

and for this purpose, the conditions of the licence are modified if any of them is altered or omitted or any new condition is added (Licensing Act 2003 section 52 (4)).

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 they supported or objected to the review of the premises licence.

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's Statement of Licensing Policy](#)

Appendix A – Review Application Form and supporting evidence

Appendix B – Responsible Authorities Representations

Appendix C – The current Premises Licence (Parts A and B).

To inspect these documents either view the above hyperlinks or contact the Licensing Team at licensing@cambridge.gov.uk.

The author and contact officer for queries on the report is luke.catchpole@cambridge.gov.uk

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