



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

**Luxa Sparkles, 103 Cherry Hinton Road, Cambridge**

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**To: Licensing Sub-Committee:**

**Report by: Luke Catchpole**

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**Wards affected: Coleridge**

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### 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 14<sup>th</sup> 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 13<sup>th</sup> 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 initial hearing scheduled for Monday 8<sup>th</sup> April 2024 was adjourned.
- 1.6 On the 4<sup>th</sup> April 2024, information and a statement was provided by the Premises Licence holder. This has been attached to the report as Appendix D.
- 1.7 On the 4<sup>th</sup> April 2024, an application was received to transfer the premises licence to Akshayam Limited. The application was to take immediate effect. The application was forwarded to the Police, who had until the 18<sup>th</sup> April 2024 to make any objection. The application is attached to the report as Appendix E.
- 1.8 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 10<sup>th</sup> 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 at the time of the review application is attached to the report as Appendix C.
- 3.2 On the 4<sup>th</sup> April 2024 an application was received to transfer the premises licence to Akshayam Limited. A copy of the current premises

licence is attached to the report as Appendix F.

- 3.3 A history of any complaints associated with the premises, has been detailed in the Licensing Authorities representation, which can be found in Appendix B.
- 3.4 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 Premises Licence (Parts A and B) at the time of the review being submitted.

**Appendix D** – Statement from previous premises licence holder and other information

**Appendix E** – Application to transfer premises licence.

**Appendix F** – 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](mailto:licensing@cambridge.gov.uk).

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