

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

Tesco, 172 East Road, Cambridge, CB1 1BG

To: Licensing Sub-Committee:

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Wards affected: Market

INTRODUCTION

- 1.1 An application under section 17 of the Licensing Act 2003 to apply for a Premises Licence for the sale by retail of alcohol with respect to Tesco, 172 East Road, Cambridge, CB1 1BG has been received from Tesco Stores Limited. The application was served on Cambridge City Council (the Licensing Authority) on 12th April 2024. A copy of the application was also served on each responsible authority. The application and plan is attached to the report at Appendix 1.
- 1.2 The applicant is seeking to provide the sale of alcohol only (for consumption off the premises only) from Monday to Sunday between the hours of 11:00 and 20:00.

- 1.3 In accordance with the regulations of the Act, the application was advertised on the premises and in Cambridge News on 19th April 2024 to invite representations from responsible authorities and other persons. The last date for submitting representations was 10th May 2024.
- 1.4 Representations were received from 19 'Other Persons'. The representations are attached to the report at Appendix 2.
- 1.5 No representations were received from any of the Responsible Authorities but Cambridgeshire Constabulary did request to amend one of the conditions proposed by the applicant in the operating schedule, which the applicant agreed to. A copy of the email is attached to the report at Appendix 3.
- 1.6 A list of all the conditions proposed by the applicant and the one amended in conjunction with Cambridgeshire Constabulary have been put into a document attached to the report as Appendix 4. If the application is granted, these conditions will be placed on Annex 2 of the Premises Licence unless amended or added to by members of the Licensing Sub-Committee.
- 1.7 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 and the Cumulative Impact Assessment.

3. BACKGROUND

- 3.1 The proposed premises is located within a Cumulative Impact Area (CIA) and is therefore subject to the Cumulative Impact Assessment.
- 3.2 The onus is on the applicant to demonstrate why the granting of the licence would not add to the cumulative impact already being experienced within the area.

- 3.3 Three previous applications have been made for a Premises Licence to be issued in respect of these premises. These were received on 17th November 2009, 10th August 2010 and 10th December 2018. respectively. All three applications were refused at hearings of the Licensing Sub-Committee after relevant representations had been received.
- 3.4 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 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, the information raised in the representations and also Cambridge City Council's Statement of Licensing Policy and Cumulative Impact Assessment, 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 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, the Cumulative Impact Assessment 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's Statement of Licensing Policy](#)
- [Cambridge City Council's Cumulative Impact Assessment](#)

Appendix 1 – Application Form and Plans

Appendix 2 – Representations

Appendix 3 – Amended condition agreed with Police

Appendix 4 – Proposed conditions

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

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