

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Licensing Sub-Committee (2003 Act)  
**AUTHOR/S:** Licensing team

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22 June 2017

### APPLICATION TO VARY PREMISES LICENCE AT CO OP STORES, CHURCH STREET, GAMLINGAY

#### **The Application**

1. The application for a variation of premises licence for the Co-Op Stores, Church Street Gamlingay, was served in accordance with the Licensing Act 2003. **(Appendix A)**
2. The requirements for advertising and displaying relevant notices were carried out in accordance with the Licensing Act 2003.
3. The proposed variation if approved would extend the hours for the sale of alcohol to the public. The details can be found within the operating schedule **(Appendix A)**.
4. A summary of the main changes are: -
  - To amend the commencement hours of sale by retail from 08.00 (10.00 on Sunday) to 06.00 Monday to Sunday all year.
  - To amend the terminal hours for sale by retail of alcohol from 22.30 (Sundays, Christmas day and Good Friday) to 23.00.

#### **Background**

5. The Co-op is located on Church Street running through the village and is generally located in close proximity to residential premises. **(Appendix B)**.
6. The current premises licence does not limit opening times to the public.
7. The current permitted hours for sale of alcohol are:
  - Monday to Saturday 08.00 to 23.00
  - Sunday 10.00 to 22.30
  - Good Friday 08.00 to 22.30
  - Christmas Day 12.00 to 15.00 & 19.00 to 22.30
8. The Sub-Committee must be mindful to focus only on the proposed variations when considering representations e.g. extension to alcohol sales.

#### **Relevant Representations**

9. A representation from Mrs Kennedy was received on 1<sup>st</sup> June 2017 **(Appendix C)** concerning the proposed alcohol extensions. The representation is primarily concerned with the Public Nuisance objective .

### **Officer's Views**

10. In considering the application for variation, the Sub-Committee must be mindful to view the application on its individual merits and only those aspects that are being varied. Where representations have been made, only relevant representations in line with the licensing objectives may be taken into account. The objectives are as follows:

- Prevention of public nuisance
- Prevention of crime and disorder
- Public safety
- Protection of children from harm

Each objective is of equal importance.

The Sub-Committee is reminded that it has three options when determining the application:-

1. Reject the application
2. Approve the application
3. Modify the application in respect of times, activities or conditions for the retail sale of alcohol.

Regard should be given to the particular characteristics of the premises, namely it's proximity to residential dwellings and the public highway.

When considering the application, the Sub-Committee must be mindful of the guidance issued by Central Government under S.182 of the Licensing Act 2003 and South Cambridgeshire District Council's Licensing Policy.

In considering the application, the Licensing Act 2003 only allows conditions or decisions to be taken that relate to a licensable activity. Mention of noisy lorries early in the morning for example can only be considered if they are delivering alcohol, likewise whilst members may wish to consider the request for an increase in times that alcohol is available for sale, they cannot impose conditions relating to the general opening of the premises if alcohol is not sold.

### **11. Conditions relating to the prevention of public nuisance.**

- a) Consideration may be given to conditions that ensure that:

- 1) Noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties
- 2) Prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
- 3) The use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in the surrounding areas are restricted.
- 4) The placing of refuse - such as bottles- into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.

b) **Hours**

1. Restrictions may be necessary on the times when certain licensable activities take place even though the premises may be open to the public at such times
2. Restrictions may be necessary on parts of a premise used for certain licensable activities at certain times.

**Legal Implications**

12. All parties will maintain a right of appeal to a Magistrate's Court after the determination of this committee.

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