



Report to:	Licensing Sub-Committee (Licensing Act 2003) 15 December 2021
Lead Cabinet Member:	Brian Milnes
Lead Officer:	Bode Esan

Application for Variation of a Premises Licence:

LJs Sandwich Bar, 40 Church Street, Gamlingay, SG19 3JH

Executive Summary

1. The Committee is asked to determine an application for the Variation of a Premises Licence under section 17 and 18 of the Licensing Act 2003, which has been subject to representation from local residents and Gamlingay Parish Council.

Recommendations

2. It is recommended that the Committee determine the application for the variation of a premises licence at a hearing pursuant to section 18(3) Licensing Act 2003.
3. The Council, the applicant and all persons who made valid representations may agree to dispense with the hearing provided notice is given in accordance with The Licensing Act 2003 (Hearings) Regulations 2005 regulation 9.

Details

4. On 25 October 2021, an application for the variation of a premises licence for LJs Sandwich Bar & Barista, 40 Church Street, Gamlingay, SG19 3JH was submitted to the Licensing Authority, and advertised and consulted upon.
5. The application is to :
 - Extend the terminal hour for the supply of alcohol for consumption on the premises from 12:00 until 22:30 Monday to Sunday. The licence currently permits the supply of alcohol from 12:00 until 15:00 Monday to Wednesday and 12:00 until 21:00 Saturday and Sunday.
 - To extend the opening hours of the premises until 23:00 each day (to enable a 30 minutes “drinking up time” following the last sale of alcohol.

- To amend the existing condition so as to read “The courtyard will be closed to customers for the consumption of alcohol and/or food after 23:00 every day.” (the condition currently states until 21:00 every day).
Note paragraph 10 below which amends this condition.

6. The application form is attached as **Appendix A**, the plan of the premises is attached as **Annexe B** and the location plan indicating the location of the residents who submitted representations is attached as **Appendix C**.
7. The existing licence is attached as **Appendix D**.
8. The application was advertised in the Cambridge News on 2 November 2021, and the site notice displayed on the premises as required. A copy of the advertisement is attached as **Appendix E**.
9. Cambridge Fire and Rescue Service have no objection to the application but requested that a suitable and sufficient fire risk assessment must be conducted and documented of the premises under the Fire Safety Order, to help identify fire hazards and the measures and arrangements required to safeguard all relevant persons on the premises. The fire risk assessment should be conducted by a competent person with relevant knowledge, skills and experience of fire safety matters. A copy of the response is attached as **Appendix F**.
10. Environmental Health requested that the following condition be imposed on any licence that may be granted “Alcohol shall only be permitted in the external areas of the premises until 21:00 Sunday to Thursday and until 22:30 Fridays, Saturdays, Bank Holidays and Valentine’s Day”. The applicant has confirmed acceptance of this condition.
11. There were no responses from other Responsible Authorities.
12. Representations have been received from Gamlingay Parish Council (Attached as **Appendix G1**) and four local residents (attached as **Appendices G2-G5**). One resident (**Appendix G3**) submitted sound clips as part of the representation, and these have been emailed to the applicant.
13. The applicant submitted documentation in support of the application in response to the representations. Copies of the submission are attached as **Appendix H**. In addition, noise clips relating to noise from a neighbouring property have been circulated to all parties.
14. There are no policy presumptions within the Council’s Statement of Licensing policy, against the grant of the licence unless it can be shown that the application would undermine or prejudice the licensing objectives.

Options

15. The Sub-Committee in determining the application will consider the steps set out in section 18(4) Licensing Act 2003.
16. The Sub-Committee will decide whether to grant the licence (imposing all mandatory conditions) in the terms set out in the application or take any of the following steps before granting the licence:
 - a. To refuse to grant the application
 - b. To grant the application with (or without) conditions in full (or in part)
17. The Sub-Committee must give the reasons for the decision.

Implications

18. In the writing of this report, taking into account financial, legal, staffing, risk, equality and diversity, climate change, and any other key issues, the following implications have been considered:-

Legal

19. The Council, the applicant and all persons who made valid representations may agree to dispense with the hearing provided notice is given in accordance with The Licensing Act 2003 (Hearings) Regulations 2005 regulations.
20. When determining applications, the Sub-Committee recognises the Council as the licensing authority is required to carry out its functions with a view to promoting the licensing objectives;
 - the prevention of crime and disorder;
 - public safety;
 - the prevention of public nuisance; and
 - the protection of children from harm.
21. In considering the licensing objections the Council must have regard to its statement of Licensing Policy, and to the statutory guidance (Revised Guidance April 2018) issued under section 182 Licensing Act 2003. The application process is considered at section 8 of that Guidance. The procedure and information on hearings starts at 9.31 of that Guidance.
22. Any party aggrieved by the decision of the Sub-Committee has the right of appeal to the Magistrates' Court.

Risks/Opportunities

23. The decision creates no additional risks or opportunities in the context of the Council's risk management.

Background Papers

South Cambridge Council Statement of Licensing Policy (Licensing Act 2003)
<https://www.scambs.gov.uk/licensing/alcohol-and-premises/premises-and-club-licences/>

Guidance Issued under Section 182 of the Licensing Act 2003 **(Revised guidance issued under section 182 of Licensing Act 2003 - GOV.UK (www.gov.uk))**

Licensing Act 2003 **[Licensing Act 2003 \(legislation.gov.uk\)](http://legislation.gov.uk)**

The Licensing Act 2003 (Hearings) Regulations 2005 **[The Licensing Act 2003 \(Hearings\) Regulations 2005 \(legislation.gov.uk\)](http://legislation.gov.uk)**

Appendices

Appendix A:	Copy of Application form and plan of premises
Appendix B:	Location plan
Appendix C:	Copy of current licence
Appendix D1:	Copy of representation from Gamlingay Parish Council
Appendix D2-D5:	Copy of representation from local residents
Appendix E:	Map indicating location of residents and the proximity to the premises

Report Author:
Brooke O'Neill – Licensing Technical Officer

Telephone: (01954) 712945