

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Licensing Sub-Committee (2003 Act) 29 February 2012
AUTHOR/S: Executive Director, Operational Services / Corporate Manager,
Health & Environmental Services

APPLICATION TO VARY PREMISES LICENCE AT CO-OP STORES, COTTENHAM

The Application

1. The application for a variation of premises licence for the Co-Op Stores, Cottenham, Cambridge was served in accordance with the Licensing Act 2003. (**APPENDIX A**) The requirements for advertising and displaying relevant notices were carried out in accordance with the Licensing Act 2003.
2. The proposed variation, if approved would extend the hours for the sale of alcohol to the public and allow for changes in the layout of the premises; it will also reduce the current opening times. The details can be found within the operating schedule contained in (APPENDIX A).
3. A summary of the main changes are:
 - To reduce the opening hours to the public from 24/7 to 06.00 - 23.00
 - To amend the hours of sale by retail to be between 06.00 - 23.00
 - To implement structural changes following a fire

Background

4. The Co-op is located on the High Street running through the village and is generally located in close proximity to residential premises. (**APPENDIX C**).
5. The current premises licence does not limit opening times to the public. However, it is understood that the shop currently opens to the public from 08:00 until 22:00 and does not use the full 24hr entitlement on the licence currently held. This variation application will, if granted reduce the permitted hours that they may open to the public to 06:00 – 23:00.
6. 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 22.29
 - Christmas Day 12.00 to 15.00 & 19.00 to 22.30

The full licence permissions are attached at **Appendix B**.

7. The Sub-Committee must be mindful to focus only on the proposed variations when considering representations e.g. extension to alcohol sales.

8. Due to an initial failure on the part of the applicant to comply with legislative requirements in respect of advertising, the Licensing Authority instructed for advertising to commence again and therefore extended the period for considering representations. A representation from a nearby resident was received on 29 December 2011 in response to a previous advertising period, the representee was out of the country at this time, and therefore due to exceptional circumstances the representation has been accepted.

Relevant Representations

9. Relevant representations concerning the proposed alcohol extensions have been received from local residents. The representations are primarily concerned with the Public Nuisance and Prevention of Crime and Disorder Objectives contained within s.4 of the Act (**APPENDIX D**).

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

11. The Sub-Committee are reminded that they have three options when determining the application:
- (a) Reject the application
 - (b) Approve the application
 - (c) Modify the application in respect of times, activities or conditions, or any variation as they deem appropriate and proportionate.
12. Regard should be given to the particular characteristics of the premises, namely its proximity to residential dwellings and the public highway.
13. 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.

6. 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.
- 5) Noxious smells from the licensed premises are not permitted (subject to existing legislation not providing adequate measures) so as to cause a nuisance to nearby properties and the premises are properly vented.
- 6) Flashing or particularly bright lights on or outside licensed premises (any such condition must be balanced against the benefits of providing lighting to promote the prevention of crime and disorder).

b) Hours

The hours during which the premises are permitted to be open to the public or to members and their guests can be restricted by the conditions of a premises licence or club premises certificate for the prevention of public nuisance:

- 1) Conditions may be placed on premises restricting (other than where they are protected by the transitional provisions of the Act) the hours during which premises are permitted to be open to the public or to members and their guests.
- 2) 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
- 3) Restrictions may be necessary on parts of a premise used for certain licensable activities at certain times.

2. Conditions relating to Crime and Disorder

a) Door Supervisors (registered with the Security Industries Authority)

The Local Authority recognises that in applications where door supervisors are referred to in the operating schedule conditions relating to door supervisors are mandatory. Where conditions are attached relating to the provision of door supervisors and security they may be valuable in:

1. preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder;
2. keeping out excluded individuals (subject to court bans or bans imposed by licence holder);
3. Searching and excluding those suspected of carrying illegal drugs or carrying offensive weapons and;
4. maintaining orderly queuing outside venues

Where door supervisors are to be a condition of a licence they are required to be licensed through the Security Industries Authority in line with the Securities Industry Act 2000.

b) Bottle bans

It is recognised that glass vessels (i.e. bottles and glasses) may be used as weapons inflicting serious harm during incidents of disorder. Conditions may include:

1. No bottles containing beverages of any kind, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff service away from the bar
2. No customer carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public.

In appropriate circumstances conditions may exempt bottles containing wine or similar sold for consumption with a table meal by customers who are seated in a separate area from the bar.

c) CCTV

The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Conditions may include:

1. The need to have CCTV cameras on the premises
2. The precise positioning of each camera
3. The requirement to maintain cameras in good working order
4. The requirement to retain recordings for an appropriate period.

d) Other conditions that may be considered relevant to promote the reduction of crime and disorder may include:

1. Restriction on drinking areas
2. Capacity limits
3. Proof of age cards
4. Crime prevention notices
5. Signage at or immediately outside the premises
6. Use of plastic containers and toughened glass

Legal Implications

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

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