

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Licensing Sub-Committee (2003 Act)

2 April 2013

AUTHOR/S: Director, Health and Environmental Services

APPLICATION TO VARY PREMISES LICENCE AT CO OP STORES 104-106 HIGH STREET, LINTON, CAMBRIDGE

The Application

1. The application for a variation of premises licence for the Co-Op Stores, Linton, 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 of opening to the public for the sale of alcohol. The details can be found within the operating schedule contained in (**APPENDIX A**).
3. A summary of the change is to increase the opening hours for sale of alcohol to the public to 07.00 – 23.00 hours seven days a week.

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 B**).
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 increase the permitted hours so that they may open to the public from 07:00 – 23:00 Monday to Sunday.
6. **The current permitted hours for sale of alcohol are:**
 - Monday to Saturday 08.00 to 23.00 hours
 - Sunday 10.00 to 22.30 hours
 - Good Friday 08.00 to 22.30 hours
 - Christmas Day 12.00 to 15.00 & 19.00 to 22.30 hours

The proposed variation for sale of alcohol is:

Monday to Sunday 07.00 to 23.00 hours

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

Relevant Representations

8. Relevant representations concerning the proposed alcohol extensions have been received from local residents. The representations are primarily concerned with Public Nuisance under s.4 of the Act (**APPENDIX C**).

9. Policy Conditions

1. The 2003 Act requires that licensing conditions are attached to a licence they should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided.
2. Licensing authorities should ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives. Consideration should also be given to wider issues such as conditions already in place that address the potential negative impact on the promotion of the licensing objectives and the track record of the business.
3. Licensing authorities should not seek to impose conditions that may duplicate any requirements or prohibitions that could be imposed under other regulatory regimes, ie Fire safety etc.
4. Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested. Such consideration may also be given when considering extending the scope of licensable activities from indoors to both indoors and outdoors.

Considerations

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 is reminded that it has 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 it's 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.

Legal Implications

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

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