

**TITLE: APPLICATION FOR THE GRANT OF A NEW PREMISES LICENCE - LICENSING ACT 2003**

Committee: Licensing (Statutory) Sub-Committee

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## 1.0 Issue

- 1.1 To determine an application for the grant of a new premises licence in respect of Bottisham Budgens, Units 2-6, The Old Garage, 56 High Street, Bottisham, Cambridge, CB25 9DA.

## 2.0 Recommendations

- 2.1. That Members consider the content of this report, and all of the evidence provided during the hearing and determine the application in accordance with the options contained in paragraph 4.4 of this report.

## 3.0 Background/Options

### 3.1 Premises History

56 High Street Bottisham is the site of a demolished garage on which eight units have been erected, five of which the applicant proposes to rent as a Budgens convenience store.

#### Details of the new application

- 3.2 On 19<sup>th</sup> March 2025 Tarunbir Singh applied for a Premises Licence under section 17 of the Licensing Act 2003 for Bottisham Budgens, Units 2-6, The Old Garage, 56 High Street, Bottisham, Cambridge, CB25 9DA (**Appendix 1**). The application was served on the responsible authorities and advertised in accordance with the regulations of the Licensing Act 2003.
- 3.3 The application proposes to run as a Budgens convenience store providing off sales of alcohol. To support this the applicant has applied for a premises licence that requests the following:

*Table 1*

| Licensable Activity  | Proposed Hours                     |
|--|------------------------------------|
| Sale by Retail of Alcohol for consumption off the premises | 06:00 to 22:00<br>Monday to Sunday |
| Opening Hours  | 06:00 to 22:00<br>Monday to Sunday |

- 3.4 The above hours are in line with the alcohol off-sales of the two other Bottisham High Street retailers: Bottisham Village Store - Monday to Sunday 05:30-22:00 hours and The Bell PH

- Monday to Thursday 10:30-00:00, Friday & Saturday 10:30-00:30 and Sunday 10:30-23:30 hours.

- 3.5 The plans of the premises can be found at **Appendix 2**.
- 3.6 The applicant has offered steps that they are willing to take to promote the licensing objectives. These can be found in **Appendix 3** to this report.

#### Relevant Representations

- 3.7 During the consultation period the Licensing Authority received no representations from any of the responsible authorities.
- 3.8 A valid representation was received from Bottisham Parish Council and a total of 9 valid representations received from other persons permitted by the Licensing Act 2003 to submit representations together with a 117-signature petition in objection to the grant of the premises licence application.
- 3.9 The representations raised concerns regarding a possible escalation in alcohol-fuelled neighbourhood crime and disorder and noise and anti-social behaviour incidents, noise from delivery vehicles, transient visitors creating increased traffic and parking issues, increased litter and lighting pollution, the effect on established local trade, lack of diversity in the use of the new units and school-aged child safeguarding issues. The representations and petition received are **Appendix 4** to this report.

#### Additional information

- 3.10 Planning Services commented during the consultation period to advise that the proposed use of these units for the purposes the applicant intends would likely require planning permission, as based on information before Planning Officers, the site is not currently considered to fall within a commercial/retail use but an industrial/general industry use. Planning Officers have previously advised the site owners of their concerns over the current classification of the site's use class, and how this may affect future plans for the site.

Whilst there appears to be no breach of planning control to investigate at this point, the site owners have been advised that if a new use commences and reports are received, the Council's Planning Enforcement Team are likely to investigate whether the new use requires planning consent. This could result in enforcement action, particularly as Planning Officers remain unconvinced at this stage that the site can be used as Budgens without planning consent first being sought, or a certificate of lawfulness being submitted and secured to evidence the lawful use of the site. The applicant has been made fully aware of this.

- 3.11 Members are reminded that the information contained in paragraph 3.10 is not a matter for licensing to be concerned with when determining an application, but officers felt it was important for Members and those reading the report to be informed that the planning team are very much aware of this premises.

## **4.0 Arguments/Conclusions**

- 4.1 Members are obliged to determine this application with a view to promoting the licensing objectives which are:
- The prevention of crime and disorder
  - The prevention of public nuisance

- Public safety
- The protection of children from harm

In making their decision Members are also obliged to have regard to the Statutory Guidance issued under Section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy. Should Members depart from either they must specify their reasons for doing so. Members must also take into account the information contained within this report, and the evidence submitted, both written (if submission of such information is agreed by all parties at the hearing) and orally during the hearing.

#### 4.2 Relevant Statutory Guidance considerations (**Appendix 5**):

|  |            |
|--|------------|
| The Licensing Objectives                 | Section 2  |
| Applications for Premises Licences       | Section 8  |
| Determining applications                 | Section 9  |
| Conditions attached to Premises Licences | Section 10 |
| Deregulation of certain entertainment    | Section 16 |

#### 4.3 Relevant Local Policy considerations (**Appendix 6**):

|                                  |                      |
|----------------------------------|----------------------|
| Representations                  | Section 1.51 to 1.55 |
| Conditions                       | Section 1.56 to 1.64 |
| Licensing Objectives             | Section 3            |
| Prevention of Crime and Disorder | Section 4            |
| Public Safety                    | Section 5            |
| Prevention of Public Nuisance    | Section 6            |
| Protection of Children from Harm | Section 7            |

#### 4.4 Members can determine the premises licence application as follows:

- (a) to grant the premises licence subject to:
  - i) the conditions that are consistent with the operating schedule accompanying the application modified to such extent as Members consider appropriate for the promotion of the licensing objectives; and
  - ii) any mandatory conditions that must be included in the licence;
- (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;  
or
- (d) to reject the application.

#### 4.5 Members are asked to note that they may not modify or impose new conditions, or reject the whole or part of the application merely because they consider it

desirable to do so. It must actually be appropriate to do so in order to promote the licensing objectives, and any such step must relate to the actual representations made. Conditions attached must be focused on matters which are within the control of applicant, i.e. the premises and its vicinity.

Regulation 19(a) requires authorities to disregard any information given by a party or person that is “not relevant” to their application or representation, and is not relevant to the licensing objectives.

4.6 In determining the premises licence application, Members must provide the reasons for their decisions, and consider their responsibilities under the Human Rights Act 1998, when balancing the rights of the applicant and the rights on those who may be affected.

4.7 Any decision taken must be appropriate and proportionate to the objective being pursued. In particular the following should be taken into consideration:

Article 6 – the right to a fair hearing

Article 8 – respect for private and family life

Article 1, First protocol – peaceful enjoyment of possessions (which can include the possession of a licence)

Article 14 – the right to freedom from discrimination.

## 5.0 Additional Implications Assessment

5.1 In the table below, please put Yes or No in each box:

|   |                                       |   |
|---|---------------------------------------|---|
| <b>Financial Implications</b>           | <b>Legal Implications</b>             | <b>Human Resources (HR) Implications</b>        |
| <b>Yes</b>                              | <b>Yes</b>                            | <b>No</b>                                       |
| <b>Equality Impact Assessment (EIA)</b> | <b>Carbon Impact Assessment (CIA)</b> | <b>Data Protection Impact Assessment (DPIA)</b> |
| <b>No</b>                               | <b>No</b>                             | <b>No</b>                                       |

### Financial and legal implications

5.2 The cost of convening a Licensing (Statutory) Sub-Committee to determine an application is covered by the fees paid by licence applicants.

5.3 Should there be a decision to refuse whole or part of the application or modify the conditions of the licence, the applicant can appeal to the Magistrates' Court. There will be costs associated with this process. The right of appeal is 21 days from the date of notification of the decision.

5.4 Any party who made relevant representations in relation to the application may also appeal the decision. There will be costs associated with this process. The right of appeal is 21 days from the date of notification of the decision.

- 5.4 The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149(7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

## **6.0 Appendices**

Appendix 1 - Premises Licence Application

Appendix 2 - Premises Plans

Appendix 3 - Premises licence operating schedule conditions

Appendix 4 - Representations + Petition

Appendix 5 - S182 Statutory Guidance extracts

Appendix 6 - Local Policy extracts

## **7.0 Background documents**

Licensing Act 2003

Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003

ECDC Statement of Licensing Policy 2021