

**LICENSING SUB COMMITTEE**

14 September 2015

10.00 - 11.30 am

**Present:** Councillors Benstead, Bird and Meftah

**Officers**

Environmental Health Officer: Daniel Bayles

Assistant Licensing Officer: Victoria Jameson

Legal Advisor: Jane Connell

Committee Manager: Sarah Steed

**Present for the Applicant**

Applicant: Mr Karakaya

Applicant's Representative: Ms Hazar

**Other Persons**

Councillor Gillespie

<b>FOR THE INFORMATION OF THE COUNCIL</b>
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**15/15/Lic Appointment of a Chair**

Councillor Benstead was elected as Chair for the meeting.

**15/16/Lic Declarations of Interest**

No interests were declared.

**15/17/Lic Meeting Procedure**

All parties noted the hearing procedure.

**15/18/Lic Super Kebab, 70 King Street, Cambridge, CB1 1LN**

The Assistant Licensing Officer presented the report and outlined the application for a Premises Licence under section 17 of the Licensing Act 2003 in respect of Super Kebab, 70 King Street Cambridge CB1 1LN.

Applicant's Representative

Ms Hazar made the following points on behalf of the Applicant:

- i. Structural alterations would be required to be able to fit a toilet in the premises, formal consent from the Landlord to make alterations would also be required.
- ii. The applicant was not trying to be difficult.
- iii. Public toilets were located within one hundred yards of the premises.
- iv. The application only sought a thirty minute extension to late night refreshment hours Sunday to Thursday and an hour extension to late night refreshment hours Friday to Saturday.
- v. Other takeaway establishments in the area did not have toilets.
- vi. It seemed unfair to request that a toilet was located within the premises for such a small application.

Members commented that this application would be considered on its own individual merits.

### Members Questions

In response to Member's questions, the applicant confirmed that he had experience operating other licensable premises.

### Environmental Health Representative

Daniel Bayles made the following points:

- i. The Environmental Health Department had recommended conditions and had not recommended refusal of the licence.
- ii. People who left pubs and went to a takeaway may need a toilet to relieve themselves.
- iii. If the premises did not have room for a toilet, it was suggested that the premises was not suitable for a late night refreshment licence.

### Summing up

Applicant's representative:

- i. The premises' looked spacious on the plans but in reality there was no room to provide a toilet.
- ii. Members of the public would not leave a pub to use a takeaway toilet.

The Environmental Health representative confirmed that he had no further comments to make.

Members withdrew at 10:20am and returned at 11:20am. Whilst retired and having made their decision, Members received assistance on the wording of the decision by the Legal Advisor but no legal advice was provided.

Decision:

The Sub-Committee decided to grant the application subject to the additional condition that during the period that the premises is operating under the late night refreshment licence it only will operate as a take away establishment.

The Sub-Committee provided the following reasons for their decision:

- i. The agreed conditions and the additional condition would mitigate the cumulative impact of this application and the Sub-Committee considered that the conditions were proportionate and appropriate for the promotion of the licensing objectives.

The meeting ended at 11.30 am

**CHAIR**