

LICENSING SUB COMMITTEE

14 May 2020
2.00 - 2.35 pm

Present: Councillors Massey, Moore and Sargeant

Officers

Senior Technical Officer: Alex Beebe

Legal Adviser: Paul Weller

Committee Managers: James Goddard & Claire Tunnicliffe

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| FOR THE INFORMATION OF THE COUNCIL |
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20/26/Lic Appointment of a Chair

Councillor Sargeant was appointed as Chair for the meeting.

20/27/Lic Declarations of Interest

No declarations of interest were made.

20/28/Lic Meeting Procedure

All parties noted the procedure.

Councillor Sargeant said the Agent had been invited to this meeting but had not responded. Members unanimously agreed to consider the application based on details in the information pack.

20/29/Lic Mediterranean BBQ - Premises Licence Application

The Senior Technical Officer presented the report and outlined the application.

Member Questions

The Senior Technical Officer made the following statements in response to Members' questions:

- i. The owner of the Merhaba Cambridge Limited (restaurant owner prior to Mediterranean BBQ) became insolvent 20/12/17. The Senior Technical Officer was unclear if the same people were involved in both the

- Merhaba Cambridge Limited and Mediterranean BBQ. The Agent could have clarified this if he were present.
- ii. Mediterranean BBQ had been selling alcohol without a licence for about 3 years, but the [current] Applicant took prompt action to seek one once informed of the need in March 2020.
 - iii. The Applicant was told to cease alcohol sales in March 2020 and it would be a criminal offence under the Licensing Act if they continued.
 - iv. It is unclear if the Applicant was informed by the owner of the Merhaba Cambridge Limited that they needed to get an alcohol licence.
 - v. Claire Tunnicliffe (Committee Manager) and Luke Catchpole (Senior Technical Officer) had contacted the Agent and Applicant to discuss meeting arrangements. Alex Beebe (Senior Technical Officer) had contacted the Agent to discuss conditions. Luke Catchpole had also talked to the Applicant, who was not fluent in English, so there was potential for miscommunication.
 - vi. The intention was to seek a licence for Mediterranean BBQ as per Merhaba Cambridge Limited, for consumption of alcohol on the premises, with some limited extensions.
 - vii. The Applicant had outlined that the premises would operate as a restaurant to be open to the public (providing on-sales of alcohol) until midnight and then close to the public after this point where, with respect to alcohol sales, it would be delivery (off-sales) only. From midnight the premises will operate as a takeaway only.
 - viii. Conditions agreed with the Applicant would ensure that alcohol would only be delivered after midnight with [meal portion] sales of food. The conditions could specify that deliveries would only be made to addresses, not street corner etc locations.
 - ix. Food takeaways could be available before midnight. The delivery of alcohol would be at all times. The licence would allow for the off-sale of alcohol by deliveries only. The Licence would permit on-sales within the times specified, Late Night refreshment (but only after 11pm) and off-sales (at the times specified) but only if linked to the delivery of food.
 - x. Late night refreshments are sold in the area/city until 03:00, so there was a precedent for what the Applicant requested.
 - xi. Both Mediterranean BBQ and Merhaba Cambridge Limited traded in the Cumulative Impact Area. The restaurant was formerly known as the Istanbul and had been in the Cumulative Impact Area since 2011.

- xii. The current owner had experience of operating other establishments around the city, including late at night. These did not sell alcohol.
- xiii. There had been no reported complaints about the Mediterranean BBQ or Merhaba Cambridge Limited. Only 1 complaint had been received about the Istanbul, this was in 2011.

The Committee noted representations listed in appendix 4 of the Officer's report.

Summing Up

The Senior Technical Officer reminded Members they should have regard to the Council's Statement of Licensing Policy when making their decision.

The Legal Advisor said that as the Applicant was not present, Members would have to base their decision on information in the Officer's report, including the representations. The Committee needed to fulfil the requirements of the Licensing Act.

Members withdrew at 14:35 to consider their decision. Members received legal advice on the wording of the decision.

Decision

The Sub Committee resolved to grant the Licence subject to the mandatory conditions, those submitted by the applicant, those agreed by the applicant with the responsible authorities

Reason for reaching the decision were as follows:

- i. The licensable activities do not add to cumulative impact because of the existence of a previous licence and the new licensable activities off sales of alcohol is only being sold with food by delivery to commercial or residential properties.

The meeting ended at 2.35 pm

CHAIR