

CAMBRIDGE CITY COUNCIL

REPORT OF: Jas Lally
Head of Refuse and Environment

TO: Licensing Sub-Committee

12/11/2012

WARDS: Coleridge

CONSIDERATION OF AN APPLICATION TO VARY A PREMISES LICENCE: The Med, Perne Road, Cambridge, CB1 3RX

1 INTRODUCTION

- 1.1 An application under section 34 of the Licensing Act 2003 to vary the Premises Licence issued in respect of The Med, Perne Road, Cambridge, CB1 3RX has been received from Paul Turpin. The application is attached to the report as Appendix A and the existing Premises Licence is attached to the report as Appendix B. The application was served on Cambridge City Council (the Licensing Authority) on 29th August 2012. A copy of the application was also served on each responsible authority.
- 1.2 The applicant has applied to vary the premises licence as follows:

Live Music and Recorded Music (Indoors)

Thurs-Fri	18:00 to 00:30
Sat	12:00 to 00:30
Sun	12:00 to 23:00

Provision of Late Night Refreshment

Thurs-Sat	23:00 to 01:00
Sun	23:00 to 00:00

Supply of Alcohol

Thurs-Sat 11:00 to 01:00

Opening Hours

Mon-Wed 08:00 to 23:00

Thurs-Sat 08:00 to 01:00

Sun 10:00 to 00:00

1.3 The applicant has indicated in section P of the application form (Appendix A) that the following additional steps will be taken to promote the four licensing objectives should the application be granted:

1. All staff are to be trained on alcohol awareness.
2. Anyone who appears to be drunk shall be refused service.
3. Any trouble is reported to the duty manager who in turn will take any necessary steps to minimise public disorder.
4. A challenge 25 policy shall be in use.
5. The Premises are active members of Cambac and any persons on the list are refused entry.
6. Regular toilet checks are made to ensure there are no drugs or controlled substances being used. Anyone found to be taking such substances are ejected from premises and reported to the Police and Cambac.
7. SIA licensed door staff are employed on evenings where music is provided.
8. After discussions with Environmental Protection staff we have agreed an acceptable sound level for recorded music, which will be controlled by a formula sound limiter.
9. No one under the age of 16 is allowed in the venue unsupervised. No one under the age of 16 is allowed in the venue after 21:00 supervised or not.

1.4 In accordance with the regulations of the Act, the application was advertised on the premises and in the Cambridge Evening News to invite representations from responsible authorities and other persons. The last date for submitting representations was 18th October 2012.

1.5 One representation from Other Persons have been received and are attached to the report as Appendix C.

1.6 No representations were received from the Responsible Authorities – Cambridgeshire Constabulary, Cambridgeshire Fire & Rescue Service, the Environmental Health Manager, Planning, Trading

Standards, Child Protection and the Public Health Director. However the Environmental Health Manager has agreed four conditions with the applicant (See Appendix A).

1.7 The application is yet to be determined.

2. RECOMMENDATIONS

2.1 That Members' determine the application on its individual merits having reference to the statutory licensing objectives and Cambridge City Council's Statement of Licensing Policy.

3. BACKGROUND

3.1 The existing Licence is attached to the report as Appendix B. It was issued on 12th September 2005 to Sean McDonagh under grandfather rights from the former licensing regime and has not been varied in any respect since then. The licence was transferred to Paul Turpin on 24th September 2009 and the premises became The Med in December 2010.

3.2 The Premises Licence currently authorises the following licensable activities:

Live Music and Recorded Music

Fri – Sat	20:00 to 23:00
Sun	12:00 to 15:00

Late Night Refreshment

Fri – Sun	23:00 to 00:00
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Supply of Alcohol (for consumption on and off the premises)

Mon – Thurs	11:00 to 23:00
Fri – Sun	11:00 to 00:00

Opening Hours

Mon – Thurs	09:00 to 23:30
Fri – Sun	09:00 to 00:30

3.3 In carrying out its licensing functions, the Licensing Authority must have regard to its Statement of Licensing Policy and additionally the statutory guidance issued under Section 182 of the Licensing Act 2003. The relevant sections from the Council's Statement of Licensing Policy are:

- Objectives, section 2
- Fundamental principles, section 4
- Cumulative impact, section 5
- Licensing Hours, section 6
- Licence Conditions, section 8

4. CONSULTATIONS

- 4.1 The Licensing Act 2003 requires applications made under section 34 of the Act to be served on the responsible authorities and also advertised on the premises and in a local newspaper circulating within the vicinity of the premises. During the consultation period, responsible authorities and other persons (any individual, body or business entitled to make representations to licensing authorities), may make a representation in respect of the application.
- 4.2 Statutory consultation has therefore taken place with responsible authorities and other persons in accordance with the procedures set out in the Licensing Act 2003 and associated regulations made under the Act.

5. OPTIONS

- 5.1 Whilst having reference to the information provided by the applicant and the other persons and also Cambridge City Council's Statement of Licensing Policy, the Sub-Committee's decision must be made with a view to promoting one or more of the four licensing objectives, namely:
- (a) the prevention of crime and disorder;
 - (b) public safety;
 - (c) the prevention of public nuisance; and
 - (d) the protection of children from harm.
- 5.2 Members should take such steps that they consider are appropriate for the promotion of the licensing objectives. The Sub-Committee may resolve:
- (a) to modify the conditions of the Licence (i.e. alter, omit or add any new condition); and/or
 - (b) to reject the whole or part of the application.

6. CONCLUSIONS

- 6.1 The Licensing Authority has a duty under the Licensing Act 2003 to promote the Licensing Objectives. Each objective has equal importance. In carrying out its licensing functions, the Licensing Authority must also have regard to its Statement of Licensing Policy, and the Statutory Guidance under the Licensing Act 2003 and it is bound by the Human Rights Act 1998. The Council must also fulfil its obligations under Section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder in Cambridge.

7. IMPLICATIONS

a) Financial Implications

Cambridge City Council (the Licensing Authority) has a statutory duty to determine applications made under the Licensing Act 2003. The application fees associated with such applications are set by Central Government and are intended to cover the cost of administering the licensing regime.

There are no specific financial implications associated with this report.

(b) Staffing Implications

There are no staffing implications associated with this report.

(c) Equal Opportunities Implications

No equality impact assessment has been conducted, as the only consideration in reaching a decision is whether the granting of the application will undermine the statutory licensing objectives.

(d) Environmental Implications

Any environmental implications that need to be considered must specifically relate to the promotion of the statutory licensing objectives and will be contained in the representations made by the responsible authorities or other persons.

(e) Community Safety

Cambridge Constabulary, Cambridgeshire Fire & Rescue Service, Cambridge City Council's Environmental Health Team, Cambridge City Council's Planning Service, Cambridgeshire County Council's Child Protection & Review Unit, Cambridgeshire County Council's Trading Standards Department and the Public Health Director were

consulted as part of the application process and could have made representation if it was considered that the granting of the application would undermine one or more of the statutory licensing objectives.

Those making representations would have raised any relevant community safety implications.

- 8. BACKGROUND PAPERS:** The following are the background papers that were used in the preparation of this report:

Licensing Act 2003

The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005

Guidance issued under section 182 of the Licensing Act 2003

The Council's Statement of Licensing Policy

To inspect these documents either view the above hyperlinks or contact Luke Catchpole on extension 7818

The author and contact officer for queries on the report is Luke Catchpole on extension 7818.

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