

**LICENSING ACT 2003  
ENVIRONMENTAL HEALTH REPRESENTATION FORM**

To: **Licensing & Enforcement Manager**  
From: **Environmental Health Manager**  
Premises: **Super Kebab, 70 King Street, CAMBRIDGE**  
Reference: **WK/201518786**

**REPRESENTATION**

Cambridge City Council Environmental Health hereby raises a representation against the application for a premises licence for late night refreshment at Super Kebab, 70 King Street, CAMBRIDGE as the responsible authority for Environmental Health.

Environmental Health has been unable to agree conditions with the applicant

The application will negatively impact the two licensing objectives of the prevention of public nuisance and the prevention of crime & disorder.

The application is in a cumulative impact area and the applicant has not rebutted the presumption to refuse.

**Background**

This application is a result of enforcement activity by the Licensing and Enforcement team.

I sent the attached letter dated 24 June to the applicant suggesting two conditions, one for noise from waste collections & deliveries and second requiring a toilet. In a telephone conversation on 29 June the applicant has agreed to the condition about noise from waste collections but had not agreed to the condition requiring a toilet.

**Location**

King Street is in the cumulative impact area. The area was defined due to the high concentration of licensed premises causing cumulative impact of crime & disorder and public nuisance. Any application for a new or varied premises licence in the cumulative impact area should be refused unless the applicant can show that they will not add to the cumulative impact.

**Restriction of Hours of Deliveries and Collections**

Noise at night or early in the morning from deposition of waste in bins and collection of bins and deliveries is frequent cause of complaint from residents living near licensed premises. To prevent this nuisance we have the following standard condition. The applicant has agreed to this condition verbally.

1. Collections from and or deliveries to the premises, shall only take place between the hours of 07:00 and 23:00. This shall include the placing of waste, including bottles, into waste receptacles outside the premises and the emptying of waste receptacles by a waste contractor.

### **Toilet Required**

There are problems with public urination, defecation and vomiting in the cumulative impact area. This is evidence by the urine, faeces and vomit left in the area.

Public urination is a common law public nuisance as well as being an offence of, "Disorderly behaviour," under the 1986 Public Order Act.

The excessive consumption of food and drink increases the need to urinate and defecate and the likelihood that people will vomit. If no toilet is available this will take place either in the street or private yards or gardens and will cause a nuisance.

To avoid this any premises providing late night refreshment should have a toilet for the use of its customers. I have suggested the following condition:

2. Late night refreshment shall not take place until a suitable water closet (WC) has been installed and the Environmental Health Manager has confirmed in writing that it is satisfactory.

The WC shall:

- Be wheelchair accessible
- Have a wash hand basin with hot and cold running water and soap
- Have a lockable door
- A facility for drying hands
- Be clean and fit in every way for public use
- Have a ventilated lobby between the WC and the food preparation area

Late night refreshment shall not take place if the WC is unavailable or unfit for use.

The applicant has objected to this condition stating that he has been operating the business already without either planning permission or a premises licence and no one has requested to use the toilet. He also said that installing a toilet would cost too much money.

I believe providing a toilet is reasonable requirement for any premises providing late night refreshment.

### **RECOMMENDATION**

The application for a premises licence could be approved with the two conditions I have suggested

Signed  Date 13 July 2015

Daniel S J Bayles  
Environmental Health Officer  
(Licensing & Enforcement)