

CAMBRIDGE CITY COUNCIL

REPORT OF: Assistant Licensing Officer

TO: Licensing Sub-Committee

14/09/2015

WARDS: Market

CONSIDERATION OF AN APPLICATION FOR A PREMISES LICENCE TO BE GRANTED: SUPER KEBAB, 70 KING STREET, CAMBRIDGE, CB1 1LN.

1 INTRODUCTION

1.1 An application under section 17 of the Licensing Act 2003 for a Premises Licence to be granted in respect of Super Kebab, 70 King Street, Cambridge, CB1 1LN has been received by Cambridge City Council from Mr Deniz Karakaya on 23rd June 2015. The application and plans of the premises are attached to the report as Appendix A. A copy of the application was served on each responsible authority.

1.2 The applicant is seeking a new premises licence for the following:

Provision of Late Night Refreshment (Indoors and Outdoors)

Sun – Thurs (inclusive)	23:00 to 23:30
Fri – Sat (inclusive)	23:00 to 00:00

1.3 The application needs 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 applicant has indicated in section M of the application form

(Appendix A) that a number of steps will be taken to promote the four licensing objectives.

3.2 In accordance with the regulations of the Act, the application was advertised on the premises and in the Cambridge News to invite representations from responsible authorities and other persons. The last date for submitting representations was the 21 July 2015.

3.3 A representation has been received from Environmental Health as per Appendix B. Environmental Health has agreed condition 1 with the applicant in relation to the collection from and or deliveries to the premises. However, Environmental Health and the applicant could not agree condition 2 in relation to the provision of a WC.

3.4 The Police have agreed conditions with the applicant (Appendix C).

3.5 The following list of conditions is a combination of those offered by the applicant, Environmental Health and the Police. If the sub-committee is minded to grant the premises licence, it can decide to attach all, or any of these conditions they feel will help with the promotion of the four licensing objectives:

1. Fire exit signs will be clearly displayed and portable firefighting equipment will be accessible.
2. No alcohol or tobacco products will be on sale on the premises.
3. 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.
4. Digital CCTV, with appropriate recording equipment, shall be installed, operated and maintained.

- The system shall be operational and live at all times when licensable activity is taking place.

- Images shall be recorded and shall display accurate dates and times (including changes at the start and end of British Summer Time) and shall be capable of recording a clear facial image of persons entering and leaving the premises under all light conditions.

- Images recorded shall be retained for a minimum of 31 days and shall be made available to authorised officers and police officers in the event that CCTV footage is requested for the purpose of the prevention or detection of crime or offences and show officers recent data or footage on request.

- Staff shall also be trained and able to download images from the system on to other relevant media.

5. Glassware and glass bottles are not to be supplied to customers.
6. Prominent and Legible notices shall be displayed at all exits, requesting patrons to leave the premises and area quietly, so as to respect the needs of local residents.
7. The licence holder shall devise and implement a policy for the dispersal of patrons who seek to congregate outside the premises and this shall include consideration as to when to seek police assistance.
8. Staff shall remind patrons to park considerately and not to leave engines running.
9. Staff, including delivery staff, should ensure they park considerately and not to leave engines running.
10. The licence holder shall join the CAMBAC Nightsafe scheme (whilst the scheme is in existence) and shall be able to demonstrate active support for its work, including use of banning policies and regular attendance at meetings, either personally or by proxy.
11. Children under the age of 17 years shall not be permitted to enter or remain in the premises after 23:00, unless they are accompanied by an adult.
12. A written or electronic incident log shall be kept and maintained at the premises and be made available to an authorised officer or police officer upon request. Staff will be trained in the completion of this.

3.6 The condition that has not been agreed is:

“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.”

3.7 The premises are located within a cumulative impact area. It is therefore subject to a special policy on cumulative impact. The special policy creates a rebuttable presumption that applications within cumulative impact areas for new premises licences or variations that are likely to add to the existing cumulative impact will normally be refused if relevant representations are received about the cumulative impact on the licensing objectives, unless the applicant can demonstrate why the

operation of the premises involved will not add to the cumulative impact already being experienced. The cumulative impact policy has been referred to in the representations but has not been addressed explicitly in the application.

- 3.7 The Council's Statement of Licensing Policy contains information on the cumulative impact.
- 3.8 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 17 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 interested parties 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 interested party 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 necessary

for the promotion of the licensing objectives. The Sub-Committee may resolve:

- (a) to grant the licence subject to the mandatory conditions and such conditions as members consider necessary for the promotion of the licensing objectives,
- (b) to refuse to grant the application.

5.3 Members must give reasons for their decision.

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 interested parties.

(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 Victoria Jameson on extension 7863

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