

CAMBRIDGE CITY COUNCIL

REPORT OF: Yvonne O'Donnell
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TO: Licensing Sub-Committee 10/10/2016

WARDS: Kings Hedges

CONSIDERATION OF AN APPLICATION FOR A PREMISES LICENCE TO BE GRANTED: DIAMOND GRILL, NICHOLSON WAY, CAMBRIDGE

1 INTRODUCTION

1.1 An application under section 17 of the Licensing Act 2003 for a Premises Licence to be granted in respect of Diamond Grill, Nicholson Way, Cambridge has been received from Haydar Ince. The application is attached to the report as Appendix A. The application was served on Cambridge City Council (the Licensing Authority) on 19th August 2016. A copy of the application was also served on each responsible authority. The application has detailed the address as Nicholson Way and this is how the application has been logged on the M3 computer system. The trailer is actually located on the corner of Nicholson Way and Walker Court. If a Premises Licence was granted, the licence would specify this. The plans, attached to the report of Appendix B, show exactly where the trailer would be situated. If a Premises Licence was granted and the trailer moved from this position, the Premises Licence would not be able to be used at the new location.

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

Late Night Refreshment

Mon – Sun (inclusive)

23:00 to 00:00

- 1.3 A list of conditions that will be added to the Premises Licence, should it be granted have been attached to the report as Appendix C. Members can add further conditions to this list if so minded.
- 1.4 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 16 September 2016.
- 1.5 Representations have been received from 8 Other Person's. The representations are attached to the report as Appendix C. No representations were received from any of the Responsible Authorities but Environmental Health and Cambridge Constabulary have agreed conditions, which are included in Appendix B.
- 1.6 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 premises are not located within a cumulative impact area.
- 3.2 The application is for a new premises licence. Diamond Grill and Mr Ince currently have a premises licence for a Late Night Refreshment Trailer on Arbury Road. It is my understanding that due to the road refurbishments on Arbury Road, the space for the trailer is no longer available and will not be available once the work has been completed. This is the reason why the trailer has moved to its current location and an application for a Premises Licence has been made.
- 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 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 those conditions offered by the applicant which may be modified to such extent as the authority considers necessary for the promotion of the licensing objectives,
 - (b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
 - (c) to refuse to specify a person in the licence as the premises supervisor;
 - (d) to reject 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 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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