

**CONSIDERATION OF AN APPLICATION FOR A PREMISES
LICENCE TO BE GRANTED**

Mediterranean BBQ, 181 East Road, Cambridge CB1 1BG

To: Licensing Sub-Committee:

Report by: Alex Beebe

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Wards affected: Market

INTRODUCTION

- 1.1 An application under section 17 of the Licensing Act 2003 (the 'Act') for a Premises Licence to be granted in respect of Mediterranean BBQ, 181 East Road, Cambridge CB1 1BG has been received from Mr Heydar Ince. The application was served on Cambridge City Council (the Licensing Authority) on 16th March 2020. A copy of the application was also served on each responsible authority. The full application is attached as Appendix 1 and a plan of the premises is attached as Appendix 2.
- 1.2 The premises was previously licensed as 'Merhaba' with the licence holder being Merhaba Cambridge Limited; however, it was found during a routine food hygiene inspection on 11th March 2020 that the premises had been taken over by new management. Companies House states that Merhaba Cambridge Limited dissolved on 13th December 2016.
- 1.3 Section 27(1) of the 'Act' provides that a Premises Licence will lapse if the holder of the licence is dissolved. Section 50(3) of the 'Act' allows for the licence to be transferred to a new licence holder provided the application is made no later than 28 days after the day the licence lapsed. This did not occur and the licence therefore lapsed. The application for a new licence was therefore submitted as a result of the intervention of officers from the Commercial & Licensing Team who brought the matter to the attention of the new management.
- 1.4 The applicant is seeking a Premises Licence to: a) supply alcohol both on and off the premises between 10:00 and 03:30 on Monday to Saturday and from 12:00 to 02:30 on Sundays; and, b) provide late night refreshment from 23:00 to 04:00 each night. The applicant has outlined that the premises will 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 will be delivery (off-sales) only. From midnight the premises will operate as a takeaway only.
- 1.5 The previous Merhaba licence operated under broadly the same hours as above with two differences being that: a) both on and off sales of alcohol are requested in this application where as Merhaba had just on-sales; and, b) with respect to late night refreshment the Merhaba licence operated until only 03:00 on Sunday nights. The Merhaba licence is attached, for reference, as Appendix 3.

- 1.5 In accordance with the regulations of the Act the application was advertised on the premises and in a local newspaper to invite representations from responsible authorities and other persons. The last date for submitting representations was 13th April 2020.
- 1.6 Representations were received from one other person dated 5th April 2020. The representation was considered relevant and is attached to the report as Appendix 4.
- 1.7 No representations were received from any of the Responsible Authorities; however, Environmental Health, Cambridgeshire Constabulary and the Licensing Authority agreed fifteen conditions with the applicant to be attached to the licence should it be granted. These conditions relate to the promotion of the: 'prevention of crime and disorder', 'prevention of public nuisance', and, 'protection of children from harm' licensing objectives and appear further to those put forward by the applicant as provided on the application form. A list of the additional conditions agreed is attached to the report as Appendix 5.
- 1.8 The application needs to be determined.

2. RECOMMENDATION

- 2.1 Members must 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 located within the city centre 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 any new premises licence 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.
- 3.2 This is unless the applicant can demonstrate why the operation of the

premises involved will not add to the cumulative impact already being experienced. The Council's 'Statement of Licensing Policy' contains information on the cumulative impact. The section relating to cumulative impact has been taken from the policy and attached to the report as Appendix 6. A map of the Cambridge city centre cumulative impact area is attached as Appendix 7.

3.3 The relevant sections from the Council's Statement of Licensing Policy are:

- Objectives, section 2
- Fundamental principles, section 4
- 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 information raised in the representation 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 'Act' 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 fulfill 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](#)
- [Cambridge City Council – Statement of Licensing Policy](#)
- [Cambridge City Council – Guidance for Applicants](#)

Appendix 1 – Copy of application form

Appendix 2 – Plan of the premises

Appendix 3 – Copy of Merhaba licence

Appendix 4 – Representation received

Appendix 5 – Additional conditions agreed with responsible authorities

Appendix 6 – Cumulative Impact Policy

Appendix 7 – Map of the city centre cumulative impact area

To inspect these documents either view the above hyperlinks or contact Alex Beebe on (01223) 457723.

The author and contact officer for queries on the report is Alex Beebe on (01223) 457723.

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