

**CONSIDERATION OF AN APPLICATION TO VARY A  
PREMISES LICENCE  
Taco Bell, 10 Market Street, Cambridge, CB2 3PA**

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**To: Licensing Sub-Committee:**

**Report by: Daniel Image-Flower**

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**Wards affected: Market**

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**INTRODUCTION**

- 1.1 An application under section 34 of the Licensing Act 2003 to vary the Premises Licence issued in respect of Taco Bell , 10 Market Street, Cambridge, CB2 3PA, has been received from Taco-Time Limited. The application was served on Cambridge City Council (the Licensing Authority) on 3<sup>rd</sup> April 2023. A copy of the application was also served on each responsible authority. The application is attached to the report at Appendix A and the current Premises Licence is attached to the report as Appendix B.
  
- 1.2 The applicant is seeking to extend the permitted hours for Late Night Refreshment from the current hours of Monday to Sunday 23:00 to

02:00 the following morning to the proposed hours of Monday to Sunday 23:00 to 04:00 the following morning. The applicant is also seeking to extend the opening hours of the premises from Monday to Sunday 10:00 to 04:00 the following morning.

- 1.3 The applicant wishes to amend condition 3 within Annex 2 to read as follows: The manager will join the Cambac Nightsafe / Pub watch scheme. This includes support of its agreed banning policy and attending meetings; personally, or by sending an authorised representative of the venue. The condition is only binding whilst the Nightsafe / Pub watch scheme is in existence. This includes having and using the Cambac Radio.
- 1.4 In accordance with the regulations of the Act, the application was advertised on the premises and in the Cambridge Independent to invite representations from responsible authorities and other persons. The last date for submitting representations was 1<sup>st</sup> May 2023.
- 1.5 Representations were received from three other persons. No representations were received from any responsible authority. The representations are attached to the report as Appendix C.
- 1.6 The application needs to be determined.

## **2. RECOMMENDATION**

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

## **3. BACKGROUND**

- 3.1 The premises is located within a Cumulative Impact Area (CIA) and is therefore subject to the Cumulative Impact Assessment. It creates a rebuttable presumption for any new premises licence applications or variations within a CIA, 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.

3.3 The premises have had a premises license issued under the Licensing Act 2003 since 10<sup>th</sup> October 2022. The premises licence was granted at a hearing of the sub-committee on the 10<sup>th</sup> October 2022. The Record of Decision is attached as Appendix D.

3.4 In carrying out its licensing functions, the Licensing Authority must have regard to its Statement of Licensing Policy, the Cumulative Impact Assessment 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 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 representations and also Cambridge City Council's Statement of Licensing Policy and Cumulative Impact Assessment, 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 variation as applied for;
- (b) to modify the conditions of the licence
- (c) to reject the whole or part of 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, the Cumulative Impact Assessment 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](#)

[The Council's Statement of Licensing Policy](#)

[The Cumulative Impact Assessment](#)

**Appendix A** – Application Form

**Appendix B** – Current Premises Licence

**Appendix C** – Representations

## **Appendix D – Record of Decision**

To inspect these documents either view the above hyperlinks or contact Daniel Image-Flower on [commercial@cambridge.gov.uk](mailto:commercial@cambridge.gov.uk).

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