



***To be completed and signed before Members return to open session to announce their decision.***

## **RECORD OF DECISION: APPLICATION UNDER LICENSING ACT 2003**

Premises Licensing Sub-Committee

Date: 6 October 2025

Members:

1. Cllr McPherson
2. Cllr Swift
3. Cllr Blackburn-Horgan

**Cllr McPherson was elected as Chair.**

To consider the application of **Nath and Sons UK LTD** dated 20 August 2025 in regards to the premises **Burleigh Phone & Vape Shop, 34 Burleigh Street CB1 1DG** for a licence to provide the following licensable activities:

Supply of Alcohol (for consumption off the premises)

- Monday to Friday 08:00 to 20:00
- Saturday to Sunday 09:00 to 18:00

We heard representations from the following persons:

- Licensing Officer
- Applicant
- Applicant's Legal Representative (Solicitor)
- Police representative
- Objector: Ward Councillor

The reason you appeared before the Sub-Committee:

You applied for a premises licence, on the 20 August 2025 pursuant to section 17 of the Licensing Act 2003. That application required determination by the Licensing Sub-Committee due to representations received by a Responsible Authorities: Cambridge Constabulary and also two other persons (ward councillors).

The Sub Committee had to decide whether to grant your application for a premises licence, and if so whether to impose conditions.

In making our decision we considered the following:

- The Licensing Act 2003
- The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005
- Statutory Guidance issued under section 182 of the Licensing Act 2003
- Cambridge City Council's Statement of Licensing Policy
- Cambridge City Council's Cumulative Impact Assessment
- Reports
- Advice from Legal Officer
- Representations from the Applicant and their solicitor
- Representations from the Police
- Representations from ward councillor
- Agreed conditions with Environmental Health
- Supplementary evidence from the Police
- Supplementary evidence from the Applicant

We found the following facts:

- The Applicant submitted an application for a premises licence on the 20 August 2025 in respect of Burleigh Phone & Vape Shop at 34 Burleigh Street CB1 1DG. That location is within a Cumulative Impact Assessment area.
- The proposed hours in the operational schedule were amended at the hearing to commence from 10:00am instead of 8:00am on weekdays, and 9:00am on weekends.
- The Applicant did not specifically refer to the CIA during the hearing but acknowledged it briefly within their written application.
- The Applicant offered the following conditions:
  - a. The presence of SIA-licensed security personnel during all hours when licensable activities are taking place.
  - b. The operation of a CCTV system covering all public areas of the premises, with footage to be retained for a minimum of 28 days. This will be made available to any responsible authority upon request.
  - c. All staff will be trained to Challenge 25, conflict resolution and incident reporting. Also, first aid training, fire evacuation procedures and customer wellbeing.
  - d. A refusal log and incident book will be maintained to record any instances of refused sales, anti-social behaviour, or disturbances.
  - e. Alcohol sales will only be permitted during licensed hours, and stock will be securely stored and monitored.
  - f. The shop layout will maintain clear and unobstructed access for emergency exits and safe customer movement.
  - g. Fire safety protocols, including extinguisher maintenance and risk assessments, will be regularly reviewed and updated.
  - h. Staff will receive basic training on first aid, fire evacuation procedures, and customer wellbeing.
  - i. Deliveries and waste collection will be scheduled during reasonable hours to minimise noise or disruption to neighbouring businesses or residents.
  - j. Signage will encourage customers to be considerate and leave quietly, avoiding loitering or littering.
  - k. External areas will be kept clean, and any litter resulting from the premises will be promptly cleared.
  - l. They will enforce a strict Challenge 25 policy to prevent sale to underage individuals.

- m. All staff will be trained to recognise and refuse service to persons who appear underage, intoxicated or are attempting proxy purchases.
  - n. No advertising or display of alcohol will target or appeal to children.
- The Applicant confirmed that their proposal is for all alcohol to be stored behind the store counter.
  - The Applicant confirmed that their proposal is to not sell alcohol via any online method or platform.
  - The Applicant stated that there would be three staff on the premises at all times, plus the SIA security operative during licensable hours. The Applicant confirmed that he would be the DPS and Licence Holder but would not be at that site permanently. The Applicant confirmed the financial viability of those arrangement.
  - That the premises is in close proximity to: Anglia Ruskin University, Jimmy's Assessment Centre (which supports homeless persons, who it is accepted may be vulnerable to alcohol consumption), Cambridge GP Access Surgery for the Homeless, university accommodation and St Matthew's Primary School.
  - There is an established impact caused by alcohol in the local area. There are increased issues of public disorder, crime and nuisance due to street drinkers. These issues are significant and include anti-social behaviour.
  - That the application appeared to us, to be very standardised and those additional conditions offered reflected another premises in the local area rather than addressing the specific issues and/or concerns which relate to the applicant's premises and therefore did not properly demonstrate how it would evidence no addition to the cumulative impact of alcohol in the area.
  - That the Applicant did, after explanation and several questions from the Police, and members of the panel admit to not appreciating the difference caused by high alcohol volume beers, ciders and lagers or the impact of such on alcohol related issues. Notwithstanding that, the Applicant accepted that it would be willing to propose a condition (as proposed by the Police) to only sell low alcohol strength beers, ciders and lagers (less than 5.5 ABV).

We do not consider the following matters to be relevant:

1. We do not take into account previous findings for applications in the Cumulative Impact Assessment area. The reason for this is that each application must be considered on its own individual merits and any conditions, if appropriate, must be tailored to the individual premises and not generalised.
2. The previous application for a premises licence being refused is not a relevant consideration. The reason for this is that we must not be fettered by a previous decision which was determined on the facts before the sub-committee at that time, potentially subject to a different policy or legislative considerations. We must consider this case on its own individual merits.

Our decision is as follows:

**That the application be refused.**

Our reasons for reaching the decision are as follows:

1. We have before us an application pursuant to section 17 of the Licensing Act 2003 for a Premises Licence in respect of Burleigh Phone & Vape Shop, owned and operated by Nath and Sons UK Ltd.
2. We have carefully considered the case before us on its individual merits, including the information provided within the licensing officer's report and exhibits, the additional witness testimony from the Police and the rebuttal evidence received by the applicant. We have also heard from the applicant, their representative, the Police and the other persons (ward councillors) who submitted representations.
3. We have reminded ourselves that the cumulative impact assessment ("CIA") creates a presumption that applications for granting or varying premises licences within the CIA area will be refused if relevant representations are received, due to the likely negative cumulative effect on the promotion of the licensing objectives caused by a concentration of licensed premises. It is the Licensing Authority's duty to promote the licensing objectives and decisions must be made on a case-by-case basis considering whether the proposed operation on the premises would add to the cumulative impact or not. We reflect on our policy, at paragraph 4.5 (CCC's Cumulative Impact Assessment), which states that granting further licensed or variations [in the CIA area] would be inconsistent with the authority's duty to promote the licensing objectives.
4. Notwithstanding those considerations, we also firmly remind ourselves that this application must be considered on its individual merits and we retain discretion to divert from policy where there is good reason to do so. We are not fettered by policy but must follow it save where such good reason exists (or in this case, where there is clear evidence that the granting of a licence will not only promote the licensing objectives, but not add to the cumulative impact of the area).
5. The Applicant holds the burden to satisfy us through their operating schedule and evidence that the operation of the premises would not add to the cumulative impact and would not undermine the licensing objectives.
6. We further note that our focus is on the impact of the licensing objectives rather than need or commercial demand for the premises. We are not fettered by previous decisions of this sub-committee, as all our decisions are focused on the individual facts before us and we emphasise that is the case in this present application. Therefore, reference to any other premises is not in our mind a relevant consideration, as each application will reflect its own individual premises and as such what amounts to a suitable condition for one premises may not be for another; each must be tailored and based on the individual case and specific facts.
7. It is our decision, for the reasons which will be expanded upon below, to refuse to grant this premises licence.

8. We were particularly concerned that the Applicant, in their submissions to this sub-committee, failed at any point – whether in opening, questioning or summing up, to comment on or address the CIA and the specific relevant cumulative impact concerns that impact the area in which their premises is located. We note limited engagement with the CIA in the written application. The onus is on them to satisfy us that the grant of a licence will not add to the cumulative impact, and they have failed to do so, or to even demonstrate an understanding of the true nature and impact of the underlying issues affecting the area.
9. We felt that the conditions proposed, in the most part, were particularly standardised and reflective of what we would expect to see from any well-run premises whether inside or outside of a CIA area. However, we do acknowledge that some conditions proposed were exceptional to those standard conditions. This included an offer to amend the licensable hours to whatever hours the sub-committee deemed necessary, to employ an SIA security operative for the premises during licensable hours, to not conduct any online alcohol sales and to ensure that all alcohol will be behind the shop counter.
10. We note that Environmental Health did not raise any representation but did agree a set of proposed conditions should this licence be granted. These were standard conditions which we do find would have alleviated some of the more generalised issues around potential public nuisance arising from a licensed premises; but again, fails to provide any real or substantive alleviation of the cumulative impact.
11. We note that there has been no representation made by Trading Standards, and when questioned the Applicant confirmed that following recent inspections and checks no enforcement action has taken place; demonstrating that there is no evidence the premises is not compliant with trading standards.
12. We have considered whether a significant reduction in the hours proposed could allay the cumulative impact and all the licensing objectives to be upheld. The Applicant offered us discretion as to which hours we would permit alcohol to be sold. He acknowledged the risk to children if sold during the early hours and reflected on an amended start time of 10:00am. We heard from objectors that whilst this went some way to resolving that concern, it failed to address the underlying issue in the cumulative impact area or to negate the impact during the hours of 3:00pm – 7:00pm which are, we heard, a prime time for alcohol related crime, disorder and public nuisance. We should note that we place some limited weight on the assertion that a mobilisation of street drinkers takes place between those hours, but in the round, having considered all of the evidence, we are not satisfied that any variance of hours would uphold the licensing objectives by not adding to the cumulative impact of the area.
13. Whilst we expressed our concern about the financial viability of employing an SIA security operative for the hours submitted, we note that the Applicant confirmed that it would be commercially viable and in the absence of any evidence to the contrary we accepted that submission. We were inclined that the employment of an SIA security operative would assist to alleviate some of the concern around upholding the licensing objectives; but it would not in our view assist with the underlying cumulative impact nor is there any proportionate or enforceable condition which would alleviate the issues that arise from proxy sales. There was no proper consideration or explanation as to how the

applicant would for example prevent proxy, or third-party, sales and how the applicant would seek to mitigate that concern.

14. We were content to see a proposed condition to prohibit online alcohol sales and felt that this would offer some assistance to negating the cumulative impact of the premises, but it would not reduce the cumulative impact arising from in shop sales to street drinkers and others. There was also, it is noted, no evidence presented to satisfy us that effective measures would be in place to identify and refuse known street drinkers.
15. We felt that the proposal for all alcohol to be behind the store counter was proportionate and may allay some concerns around crime and disorder in a reduced opportunity for theft; and protection of children in that it would not be as visible or easily accessible. However, once more we reiterate that it does not alleviate the underlying cumulative impact from a further licensed premises within the CIA area and would add to that cumulative impact. There was insufficient evidence provided, notwithstanding questions asked, to satisfy us that those underlying issues were being addressed.
16. We heard and read submissions from the Police which outlined the real impact of alcohol related crime and disorder and public nuisance, including the increase in of alcohol related criminal behaviour, anti-social behaviour and nuisance related behaviour (such as public begging). We have also heard that the applicant's premises is near to a primary school, a homelessness support provision (where it appeared undisputed that a number of service users are likely vulnerable to alcohol consumption), and university accommodation. We were also told that a significant amount of alcohol related nuisance is near to a children's play area. We do not feel that the applicant properly addressed those additional factors or explained how granting the licence would not add to the cumulative impact.
17. The Applicant informed us that he had held a personal licence for seven years and managed four stores in total (including one in St. Neots and two in Royston High Street). We were concerned that despite this purported experience, and despite having already been refused a licence on a previous application (which we only note insofar as to comment on the lack of learning or development since that date, otherwise we do not consider relevant), and received pre-application advice, the applicant failed to demonstrate an understanding of different alcohol levels and importantly, the impact that high alcohol content beers, ciders and lagers can have in an area affected by issues caused by the cumulative impact of alcohol. This raised a concern as to whether there was sufficient knowledge for the Applicant to run a licensed premises within a CIA area. We heard no evidence that the Applicant had experience operating licensed activity within a CIA area and ultimately found that he had not satisfied us that he had sufficient experience or knowledge to ensure that the licensing objectives would be met or that granting a licence would not add to the cumulative impact of the area.
18. This application has failed fundamentally to recognise and address the specific risks relevant to the cumulative impact in the area and has failed to propose conditions that properly mitigate that cumulative impact. The burden rests on the applicant to satisfy us, on balance, from their operating schedule and evidence, that the granting of their licence will not add to the cumulative impact of the area. For the reasons outlined above, and evidenced within the papers and oral submissions, we are not satisfied on

balance that granting this licence will uphold the licensing objectives and we are satisfied that it will add to the cumulative impact of the area. We note the heavy reliance by the Applicant on reference to another premises nearby, we do not consider that to be relevant as we have considered this case on its individual merits, unfettered by any previous decision.

19. We therefore refuse to grant this application.

*Signed Councillor R McPherson 08/10/25*

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*Councillor Blackburn-Horgan 08/10/25*

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*Councillor S Swift 10/10/25*

The applicant or those who made a relevant representation has the right of appeal to a Magistrates Court within 21 days from the date of this decision notice by contacting: Cambridgeshire Magistrates Court, The Court House, Bridge Street, Peterborough, PE1 1ED.

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