

**LICENSING SUB COMMITTEE**13 August 2012  
10.00 am - 12.05 pm**Present:** Councillors Benstead, Meftah and Rosenstiel**Officers**Assistant Licensing Officer: Luke Catchpole  
Assistant Licensing Officer: Deborah Stoker  
Legal Advisor: Jane Connell  
Committee Manager: James Goddard**Present for the Applicant**Agent: Mr Jeremy Bark  
Store Manager: Ms Sharon Devonish**Other Persons**Resident: Mr Frank Gawthrop  
Resident: Ms Jenny Josselyn**FOR THE INFORMATION OF THE COUNCIL****12/1/LicSub Appointment of a Chair**

Councillor Rosenstiel was appointed as Chair for the meeting.

**12/2/LicSub Declarations of Interest**

<b>Name</b>	<b>Item</b>	<b>Interest</b>
Councillor Rosenstiel	12/4/licsub	Personal: Member of Campaign for Real Ale

**12/3/LicSub Meeting Procedure**

All parties noted the procedure.

**12/4/LicSub      Consideration of an application to vary a premises licence : Tesco Stores Limited, 29-33 Hills Road, Cambridge, CB2 1NW**

The Assistant Licensing Officer presented the report and outlined the application.

Member Questions

In response to Members' questions the Assistant Licensing Officer confirmed that the application sought to vary the hours for supply of alcohol and premises floor space.

Applicant's Agent

Mr Bark made the following points on behalf of the Applicant:

- (i) The starting times being applied for were reduced such that no change was now requested. The application included earlier starting hours, but that element was withdrawn before the hearing.
- (ii) Alcohol would be sold in 29 – 31 Hills Road, but not in the extended premises area. Tesco would be happy to accept a condition to limit the shop area where alcohol could be sold, such as a limitation to just 10% of total floor area.
- (iii) The application-covered layout changes (no objections noted) and changes to hours when alcohol could be sold (some objections noted) to standardise permission brought over from the former site occupier T&S Stores Ltd (trading as One Stop).
- (iv) Tesco felt their store would not add to the cumulative impact zone.
- (v) There had been no objections to Tesco's proposal from responsible authorities, such as the Police who set the cumulative impact zone.
- (vi) Tesco aimed to be good practice operators who would not infringe the cumulative impact zone through measures such as:
  - 'Think 25' policy to check the age of customers buying age restricted products.
  - An audit through record keeping and mystery shoppers to monitor 'Think 25' policy implementation.
  - On-going staff training (theory and practice).
  - CCTV in stores as standard.
  - Shops were laid out so spirits were kept behind a counter, not on the shop floor, and the separate alcohol section was visible to staff on tills.

- Spirits would not be sold in less than half litre bottles to discourage children/street life who preferred smaller bottle sizes.
  - Beer would be sold in multipacks or individual cans of 750 ml or more to discourage street life who preferred smaller bottle sizes.
  - 99% of waste generated in-store was recycled.
  - Minimum delivery vehicle trips were planned for maximum transport efficiency.
- (vii) Tesco would sell alcohol with other products, such as through meal deals.
- (viii) Tesco would have more shop floor staff than T&S Stores Ltd.
- (ix) Head Office set prices, there would be no alcohol promotional discounts set by the store.
- (x) Tesco's policy was not to tolerate anti-social behavior (ASB). Tesco had a good working relationship with the Police and encouraged Officers to visit stores to share information with Store Managers and Area Managers. Tesco Managers would address issues reported through logged incidents, plus Police and resident feedback.

### Member Questions

In response to Members' questions, Mr Bark made the following statements:

- (i) Tesco had acquired the One Stop shop site from T&S Stores Ltd. Issues raised in the public representations were historic and not relevant to Tesco. Reiterated that the Police had raised no objections to Tesco's application.
- (ii) Re-iterated Tesco would be happy to accept a condition to limit the shop area where alcohol could be sold.

### Other Persons

Mr Gawthrop made the following comments:

- (i) The sale of alcohol to underage drinkers was a social issue, but residents appreciated Tesco was trying to address this issue.
- (ii) Adults also caused ASB due to alcohol.
- (iii) Residents were concerned about the request to extend the hours when alcohol could be sold, particularly on a Sunday, as the area suffered from late night ASB. Hills Road and Tenison Road were a route back to residential areas from the town centre. People who were intoxicated engaged in ASB on their way home. Extended hours of alcohol sale by Tesco would increase people's access to alcohol.
- (iv) Tesco's extended licence would infringe on the cumulative impact zone put in place to safeguard residents' amenities.

Ms Josselyn made the following comments:

- (i) She had lived in Cambridge Place for fifteen years.
- (ii) ASB occurred on a regular basis.
- (iii) The weekend was a busy time for pubs and clubs in the city centre. People passed through the area around Cambridge Place seeking alcohol and returned on Sunday having drunk it.
- (iv) The area around Cambridge Place provided a natural refuge where people ('professional' people and members of the street life community) could get intoxicated and/or sleep rough. People also visited nearby pubs and clubs to get intoxicated before collapsing intoxicated in Cambridge Place.
- (v) Tesco's proposed extended hours would exacerbate the issue of alcohol related ASB by increasing its supply. There was an existing off-licence in the area already. If Tesco extended its operating hours, other suppliers may follow suit. Residents would prefer Tesco's operating hours to match the Co-ops, rather than having extended hours of operation to sell alcohol.

### Member Questions

Members asked if residents could link late night ASB to any particular premises in Hills Road. Mr Gawthrop was unable to link late night ASB to any particular premises, but confirmed that ASB took place by intoxicated persons.

### Summing Up

Mr Bark made the following points:

- (i) Tesco Express was a different entity from the former One Stop shop. Tesco would sell a different range of products that included food and alcohol. Alcohol and cigarettes made up a greater percentage of One Stop shop overall sales.
- (ii) Changing Tesco's hours of permitted alcohol sale would not set a precedent for other suppliers in the area.
- (iii) Reiterated that the Police had raised no objections to Tesco's application.
- (iv) Tesco have over seventy stores in cumulative impact zones. They have a reputation for implementing good practice and not exacerbating issues.
- (v) Tesco had liaised with residents concerning the application to extend its hours of operation. Residents have only raised objections concerning the proposal to sell alcohol on Sunday. Tesco hope

measures (eg the 'challenge 25' policy) would address these concerns.

Mr Gawthrop said that different residential areas experienced different areas of ASB.

### Member Questions

In response to Members' questions, Mr Bark made the following statements:

- (i) Tesco hours of operation on the Leisure Park were 07:00 – 22:00.
- (ii) One Stop shop had one hundred and twenty lines of products, whereas Tesco had over five thousand. Thus alcohol and cigarettes made up a greater percentage of One Stop shop overall sales.
- (iii) Although the Hills Road area had general ASB issues, Mr Bark was unaware of any specifically affecting the One Stop shop, therefore there should be no historic problems to affect Tesco Express.

Members withdrew at 11:00 am and returned at 12:00 pm. After making their decision, Members received legal advice on the wording of the decision.

### Decision

The Sub Committee resolved (unanimously):

1. To grant the application to vary the layout of the premises to reflect the plan attached in Appendix A of the agenda with a limitation that the percentage of the total retail floor area, excluding the Post Office, devoted to the sale of alcohol will not exceed 5%.
2. To grant the removal of the non-standard timings for Christmas Day and Good Friday.
3. To refuse the variation of hours on Sunday.

Reasons for reaching the decision were as follows:

The Sub-Committee decided to refuse to vary the hours that alcohol may be supplied on Sundays because:

1. The Cumulative Impact Policy creates a rebuttable presumption that applications for variation of premises licences which are likely to add to

the existing cumulative impact will normally be refused unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. Appendix 3 of the Council's Statement of Licensing Policy states in relation to this area "Alcohol-related violent crime and anti social behaviour has remained stable over the 3 year period however notably Hills Road has a higher percentage of alcohol-related offences than Mill Road and over twice the amount of alcohol-related anti social behaviour than the leisure park".

2. The Sub-Committee did not consider that the applicant had rebutted the presumption of refusal. The operating regime described by the applicant is the same as would apply to any store and there is no special consideration to operating within cumulative impact areas.
3. The Sub-Committee considered that the grant of the variation of hours on Sundays would undermine one or more of the Licensing Objectives, namely the prevention of crime and disorder and the prevention of public nuisance.

The meeting ended at 12.05 pm

**CHAIR**