

LICENSING SUB COMMITTEE

12 June 2012
10.00 am - 1.00 pm

Present: Councillors Benstead, Meftah and Reiner

Officers Present

Assistant Licensing Officer – Deborah Stoker
Legal Advisor – Carol Patton
Committee Manager – Glenn Burgess

Present for the applicant:

Mr Steven Graham (Counsel)
Mr Nigel Smith (Co-Op Store Manager)
Ms Jenny Barns (Co-Op Area Risk Manager)
Mr Mark Walker (Co-Op Operations Manager)

Other Persons:

Frank Gawthrop (Glisson Road/Tenison Road Area Residents Association)
Barbara Bell (Glisson Road/Tenison Road Area Residents Association)

FOR THE INFORMATION OF THE COUNCIL

12/1/licsub Appointment of a Chair

Councillor Benstead was appointed as Chair for the meeting.

12/2/licsub Declarations of Interest

None.

12/3/licsub Hearing Procedure

All parties noted the procedure.

**12/4/licsub Consideration of an application to vary a premises licence:
Co-op, 52 Hills Road, Cambridge, CB2 1LA**

The Licensing Officer presented the report and outlined the application.

It was noted that that the applicant wished to extend opening hours until 11pm, not 11.30pm as indicated in the report. It was also noted that the report incorrectly stated 28 representations had been received, but two additional ones should have been included, making 30. 2 interested parties had however withdrawn their representations, leaving 28 in total.

Applicant's Counsel

Mr Graham made the following points on behalf of the applicant:

- i. No extension for the supply of alcohol was being requested for Monday – Saturday evenings. This would remain at 11pm.
- ii. An extension of 30 minutes for the supply of alcohol was being requested for Sunday evenings.
- iii. It was requested that the supply of alcohol be permitted from 6am Monday-Sunday, which would mirror the current opening hours of the store.
- iv. Co-op was the fifth largest retailer in the country with over 3800 stores, employing 76,000 staff.
- v. The sale of alcohol made up 15% of the total shop turnover.
- vi. Co-op had effective policies and procedures in place to deal with the supply of alcohol.
- vii. Regional and National Risk Managers worked closely with the Police and Local Authorities in each area.
- viii. Every new member of Co-op staff had to undertake an examination based training course. This included a 4-hour training course, a 2-week 'buddy system' and refresher training every 6 months.
- ix. Each till in the store electronically prompted staff to check the age of any shopper buying alcohol.
- x. A 'Challenge 25' policy was in place in each store.
- xi. For security reasons all alcohol would be stored away from the main front doors.
- xii. 16 CCTV cameras were in place at the Hills Road store.
- xiii. Co-op had clearly demonstrated that they take their responsibilities seriously and there was no record of issues with any store across the country.

- xiv. It was essential to maintain customer confidence and Co-op therefore had stringent policies and procedures in place with regards to the sale of alcohol.
- xv. This application for an increase in hours, and similar ones at Co-Op stores across the country, was driven purely by customer demand. Customers had indicated that they wanted the flexibility to do a full shop, including alcohol, at any time during opening hours (for example: at 6am after a night shift).
- xvi. This application for an increase in hours was not profit driven. This morning (12 June 2012) between 8am and 9am only 2 alcohol purchases had been made at the Hills Road store for a total of £7.
- xvii. The Hills Road store had been in place since August 2001, employed 22 staff, and was a responsible member of the community. The store was also a member of the CAMBAC scheme.
- xviii. Co-op had worked closely with the local police and Licensing officers in the run up to Strawberry Fair. Co-op agreed to limit the amount of alcohol that could be purchased on the day of the event and remove all promotional material relating to alcohol.
- xix. Noted that the local police had chosen not to object to this application.
- xx. In the last year there had only been 7 reported thefts from the store – with 5 of these by the same person who had already been banned from the store. 5 of the thefts occurred in the evening and 2 occurred in the afternoon.
- xxi. Between 1 June 2011 and 11 June 2012 there had been 10 incidents of rowdy/nuisance behaviour around the Hills Road store. 6 of the minor disturbances had occurred in the early evening and 4 had occurred in the late morning. 5 of these had been reported by Co-op staff and involved aggressive begging.
- xxii. The additional hours for the sale of alcohol would not add to issues in the cumulative impact area. The Police support the view that the Hills Road store does not adversely impact on the area.
- xxiii. The vast majority of the representations received expressed concern about late night drinking. An additional 30 minutes on a Sunday evening would not add to this problem.
- xxiv. Some of the representations expressed concern about people buying more alcohol on the way home from pubs and clubs in the city. However the only premises with a late licence in this area was The Junction, which generally finished its club nights no later than 2am.
- xxv. There was no evidence that the additional hours would have a significant impact on the area and the committee were urged to approve the application.

Members Questions

In response to member's questions, Mr Graham, Ms Barns, Mr Smith and Mr Walker made the following statements:

- i. The proposed new hours for the sale of alcohol would mirror the current opening times of the store.
- ii. No representations had been submitted by the Police, which would indicate that they feel that the proposed new hours would not have an affect in the cumulative impact area.
- iii. As part of the CAMBAC scheme the store is issued with walkie-talkies and a panic button.
- iv. The location of the alcohol in the store was for security reasons and not to increase sales.
- v. No extra training was provided for staff working in a store located in a cumulative impact area.
- vi. Whilst there had been no recorded incidents by the Police, extra training and support was provided to new staff on how to deal with inebriated people.
- vii. On the day of Strawberry Fair other stores in the area had also put measures in place under the advice of the Police.
- viii. On a regular day no more than £20 would be generated by alcohol sales between 6am and 7am.

Interested Parties

Mr Gawthrop made the following points:

- i. The local Residents Association was very concerned about the sale of alcohol late into the evening.
- ii. There were many unreported incidents of criminal damage in the local area.
- iii. The mobile CCTV in the local area is a waste of money.
- iv. The 'one size fits all' approach to opening hours adopted by Co-op was not the solution to these issues.
- v. There are a very small number of shift or factory workers in Cambridge that would want to buy alcohol at 6am. These earlier hours would only cater for street drinkers.
- vi. Aggressive begging remains an issue at the Hills Road store.
- vii. Dealing with inebriated customers can be very difficult for staff regardless of how much training they have been given.
- viii. Similar applications can be expected from other stores in the area.
- ix. A cumulative impact area is in place and these extended hours would have an impact and lead to more disorder.

Members Questions

In response to member's questions, Mr Gawthrop made the following statements:

- i. Understood the need to report all incidents to the police but noted that it was difficult to encourage all residents to do this.
- ii. Acknowledged that it was difficult to prove that all incidents of vandalism were as a result of any particular store or venue, but felt that any increase in hours would add to the current problems.

Summing Up

Mr Graham made the following Points:

- i. The majority of the extra hours requested would be in the early morning and not the late evening. The concerns raised regarding late night drinking were therefore unfounded.
- ii. The Police had not objected and those making representations had produced no evidence to support their views.

Members withdrew at 11.20am. After making their decision they received legal advice on the wording of the decision. Members returned at 12.50pm.

Resolved (Unanimously)

To refuse the application.

Reasons for reaching the decision are as follows:

- i. The applicant has not shown that the extension of alcohol sales will not contribute to the cumulative impact already experienced in the area. The applicant has an extensive training programme and ongoing preventive measures to deal with problems associated with the sale of alcohol. However, the area has been designated as a cumulative impact area because of the high level of problems associated with alcohol. The applicant has not shown that it will take any additional steps to mitigate the increased impact that an increase in the hours alcohol can be sold will have on the area.
- ii. The applicant has stated that it is fully compliant with its internal policies regarding controlling the sale of alcohol, but members decided that the applicant had not shown that the variation of the licence will not contribute to the cumulative impact experienced in the area.

- iii. The applicant referred members to paragraph 6.2 of the Council's Statement of Licensing Policy which states "supermarkets will generally be permitted to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping". However, paragraph 6.2 is "Subject to the policies regarding cumulative impact in the areas of the City specified in paragraph 5.8." The Licensing Authority adopted the Hills Road area as a cumulative impact area with effect from 21st July 2011, as stated in paragraph 5.8 of the Statement of Licensing Policy, as a result of the evidence supplied by the police. The evidence submitted by the police which created the cumulative impact area was not altered by any submission received at the hearing.
- iv. All measures currently in place at the premises were implemented before the introduction of the cumulative impact area. The cumulative impact area was introduced at the request of the police based on their evidence as noted above. The applicant has not anticipated that any new measures will be appropriate to mitigate the cumulative impact of increasing the hours available for the sale of alcohol. Members decided that if the application was granted and the premises started selling alcohol at 06.00am, there would be additional problems experienced in the night-time economy because it would be possible to purchase alcohol for consumption off the premises throughout a 24 hour cycle.
- v. Members have noted the limitations on special policies to cumulative impact, specifically paragraphs 13.34 and 13.36 of the Amended Guidance issued under section 182 of the Licensing Act 2003 (April 2012). Members decided that granting a variation of the licence would undermine the promotion of the licensing objectives within the area, specifically (a) the prevention of crime and disorder and (c) the prevention of public nuisance.

The meeting ended at 1.00 pm

CHAIR