

LICENSING SUB COMMITTEE9 March 2015
10.00 am - 1.45 pm**Present:** Councillors Benstead, Gawthrope and Meftah**Officers**Licensing & Enforcement Manager: Robert Osbourn
Legal Advisor: Carol Patton
Committee Manager: Toni Birkin**Present for the Applicant**Robert Botkai
Joanne Surguy – Licensing Manager for Sainsbury's
Paul Sellers – Acquisitions Surveyor, Sainsbury's**Other Persons**Charlotte de Blois
Kati Preston
Simon Gosnell
Ruth Deyermond
Frank Gawthrop
Andrew Colvin
Ward Councillor Ann Sinnott**FOR THE INFORMATION OF THE COUNCIL****1 Appointment of a Chair**

Councillor Benstead was elected as Chair for the meeting.

2 Declarations of Interest

No interests were declared.

3 Meeting Procedure

All parties noted the hearing procedure.

4 Sainsbury's, 78-80 Mill Road, Cambridge, CB1 2AS

The Licensing Manager presented the report and outlined the application for a Premises Licence to be granted in respect of Sainsbury's 78-80 Mill Road, Cambridge.

In response to Members' questions the Licensing Manager said:

- i. The Police had chosen not to make any representation.
- ii. The current Premises Licence had been issued in 2005, when there had been no Cumulative Impact Area (CIA) policy in place and the current occupier of the property operates under that Licence.
- iii. Sainsbury's could have chosen to transfer the existing Licence. In which case only Cambridgeshire Constabulary could object to the application to transfer the Premises Licence. The Guidance issued under Section 182 of the Licensing Act 2003 states: "In exceptional circumstances where the chief officer of the police believes the transfer may undermine the crime prevention objective, the police may object to the transfer."

The Chair requested that the representative of Sainsbury's gave a full account of their plans and addressed the concerns of those who had made representations as listed in the agenda. The representation would be timed and those who had registered to speak would be collectively offered an equal time allocation.

Applicant's Agents

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

- i. Sainsbury's were unable to apply for a variation of the current licence until they had taken possession of the store. A refusal of the proposed new licence would delay the refit and allow the continuation of the current unrestricted licence.
- ii. As already noted, Sainsbury's had the option to simply transfer the existing licence. If they choose to do so, there would be very limited grounds for objections. This would allow them to trade with the unrestricted current licence.
- iii. In choosing to apply to committee for a new application, Sainsbury's were offering restrictions and conditions which would be of benefit to the community.
- iv. Discussion had taken place between Sainsbury's and the Police and an agreement had been reached.
- v. No objection had been received from official bodies.

- vi. Some representation referred to the extension of hours and a concession had already been made to the application proposing hours of 8.00 to 23.00 Monday to Saturday.
- vii. The only additional hours would be the extended Sunday hours.
- viii. The conditions proposed had been tailored to meet the needs of the area including: no strong beer sales, no self-service of spirits, Challenge 25, Cambac and staff training).
- ix. Sainsbury's already had two stores within the CIA which trade without difficulties.
- x. This store would not add to the number of outlets in the CIA.
- xi. Additional conditions could be added to address any concerns.
- xii. Should problems arise after the licence has been granted, a review could be requested.
- xiii. Happy to restrict the sale of low cost, high strength alcohol that attracted street drinkers.
- xiv. Disputed that the store would have any impact on students pre-loading as there were already a number of alcohol outlets in the area.
- xv. National pricing structure (of Sainsbury's convenience stores) would apply and these would be unlikely to be the cheapest in the area.
- xvi. The circumstances of this application were very different from the recently refused Tesco application.
- xvii. Sainsbury's was a reputable trader and would not present a danger of harm to children.
- xviii. The current Mace store does sell high strength beer and some of the representation had recognised that a well-run Sainsbury's would offer a better option for the area.
- xix. Misleading information had been circulated in area by those opposed to the application.

Paul Sellers made the following points on behalf of the Applicant:

- i. Aware of the issue on Mill Road.
- ii. A number of outlets in the area sell strong beer and cider at low prices (3 litres of white cider for £3.99).
- iii. Mace sell strong beer in single units with the price being negotiable.
- iv. A number of other outlets in Mill Road were selling single units of strong beer, advertising cheap alcohol in the shop window and competing with each other on price.

Member Questions

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

- i. Pricing levels would be in line with other smaller Sainsbury's stores.
- ii. All staff would be well trained with 6 monthly refreshers and daily updates on issues in the local area.
- iii. A clause to allow the sale of high strength specialist products (typically quite expensive beers) subject to Police approval had been included, but Sainsbury's would be happy to delete this clause.
- iv. Spirit mixers referred to cans of ready mixed drinks such as Gin and Tonic. The ABV was unknown.
- v. Staff would be trained in how to recognise and refuse sale to those who were intoxicated. This had not been a problem elsewhere.
- vi. Sainsbury's had a good record and the last review of one of their premises had been in 2000.
- vii. Sainsbury's would be content to accept the existing Licence hours if the additional hours were regarded as an addition to the CIA.

Other Persons

Ruth Deyermond

- i. Speaking on behalf of the Mill Road Society and others who had made representation but had asked Ms Deyermond to speak on their behalf.
- ii. Acknowledged that there had been errors in information circulated locally about this application.
- iii. Concerns were not restricted to street drinkers.
- iv. May not be an additional outlet but would operate for additional hours.
- v. Applicant had not engaged with the local community.
- vi. Noise concerns had not been addressed.
- vii. Would sell high strength alcohol including ready mixed drinks currently on line for 3 for the price of 2 and with an ABV (alcohol by volume) of 6.5.
- viii. Sale of alcohol needed to make the store viable.
- ix. Student front loading before a night out will be an additional problem.
- x. Sale of Sainsbury's 'basics' spirits would add to problems in the area.

Charlotte de Blois

- i. Mill road is a complex community.
- ii. North side of the street is predominantly residential including: family housing, retirement housing, student housing and a religious community.
- iii. Residents fear that this outlet will attract car drivers who had already been drinking.

- iv. Pavements in the area are narrow and hazardous and some garden walls had recently been damaged by cars that had mounted the pavements.
- v. Out of keeping for a residential street.

Kati Preston

- i. The Mace store does not advertise alcohol in the window. Would Sainsbury's offer this as a condition?
- ii. A condition on alcohol promotions was also requested.
- iii. Anglia Ruskin University were developing student housing in the area and this outlet would encourage them to drink more alcohol.
- iv. Problems were not just street drinkers.

Simon Gosnell

- i. As a resident of Ditchburn Place, has experienced problems of street drinkers using the shared front garden forcing staff to lock the gates on regular occasions.
- ii. If a proposed Public Space Protection order is not granted, it would be increasingly difficult to protect open spaces.
- iii. Sale of strong alcohol adds to problems in the area.
- iv. Has an adverse impact on house prices.

Frank Gawthrop

- i. The discussion has centred on an additional trading time of two hours.
- ii. The existing Mace store has been the main supplier of strong alcohol for years.
- iii. It has attracted aggressive begging and problem individuals to the area.
- iv. Objects to the proposed additional hours.
- v. Proposed that there would be no self-service tills and that beer be sold from behind a counter.

Andrew Colvin

- i. The pricing policy was difficult to follow.
- ii. A Public Space Protection Order was not recommended. However, similar considerations should be applied to the application.

Councillor Benstead stated that Public Space Protection Order's were not relevant to this application.

Councillor Sinnott (on behalf of Chris Illingworth)

- i. Residents in the area had mixed views.
- ii. Some loved the area as it is while others would welcome a Local Sainsbury's.
- iii. Sainsbury's would be a responsible trader and a good neighbour.

Summing Up

Applicant's Agents

- i. Hoped progress had been made talking to local residents.
- ii. Happy to retain current hours.
- iii. Cannot agree to rule out promotions. However, buy one get one free was not offered on alcohol.
- iv. Needed to sell alcohol as shoppers prefer to purchase this along with other shopping.
- v. Traffic issues were not relevant to this allocation.
- vi. Mace currently sells strong alcohol but keeps it out of site as the Police are unhappy about it.
- vii. Would agree to no external advertising of alcohol promotions.
- viii. Currently had no plans for a sell scan till and this would require a variation to the Licence.
- ix. Spirit mixers had not been a problem elsewhere.
- x. Wants to be a responsible neighbour.
- xi. If the proposed Licence was granted, it would offer a better set of conditions for neighbours than a simple transfer of the exiting Licence.

Kati Preston

- i. Still opposed to the application.
- ii. Will increase the sale of alcohol in the area.

Simon Gosnell

- i. Thanked Sainsbury's for highlighting the problems with the other outlets in the area.

The Licensing Manager responded to comments made about other outlets on Mill Road. Progress had been made towards 'Reduce the Strength'. Work was on-going with other premises to seek solutions to issues in the area.

Members withdrew at 12:07 pm and returned at 1:30 pm. Whilst retired, and having made their decision, Members received legal advice on the wording of the decision.

Decision

The Sub Committee unanimously resolved to grant the application with the amended hours of sale of alcohol as follows:

8.00 to 23.00 Monday to Saturday
10.00 to 22.30 Sunday

And subject to all the conditions proposed by the Applicant in paragraph 1.3 of the Report to the Sub Committee, with the following amendment to Condition 8 to read:

“There shall be no sale of beer, lager or cider with ABV content of 5.5% or above.

AND THE FOLLOWING ADDITIONAL CONDITIONS :

11. There shall be no external advertising of alcohol on the shop front, doors or windows.

12. Collections from and or deliveries to the premises (save for newspapers and magazines) shall only take place between the hours of 07.00 and 23.00. This shall include the placing of waste, including bottles into the waste receptacles outside the premises and the emptying of waste receptacles by a waste contractor.

The meeting ended at 1.45 pm

CHAIR