



Cambridge City Council
Licensing Sub Committee

Date: Monday, 4 February 2019

Time: 10.00 am

Venue: Committee Room 1 & 2, The Guildhall, Market Square, Cambridge, CB2 3QJ

Contact: democratic.services@cambridge.gov.uk, tel:01223 457000

Agenda

- 1 Appointment of a Chair
- 2 Declarations of Interest
- 3 Meeting Procedure
- 4 Tesco: 172 East Road

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Licensing Sub Committee Members: Bird, McQueen and Thittala

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Licensing Act 2003 - Licensing Sub-Committee: Hearings Procedure

Preliminary Matters

1. **The Chair** will commence the hearing by introducing him/herself, the other two members of the Sub-Committee and the officers present.
2. **The Chair** will ask the applicant(s)/the responsible authorities/the interested parties present, and their representatives (if applicable), to introduce themselves and identify their interest in the proceedings.

Failure of a party to attend the hearing

3. If a party has informed the licensing authority that he/she does not intend to attend or be represented at a hearing, the hearing may proceed in his/her absence.
4. If a party who has not so indicated fails to attend or be represented at a hearing, the Sub-Committee may –
 - (a) where it considers it to be necessary in the public interest, adjourn the hearing to a specified date, or
 - (b) hold the hearing in the party's absence.
5. Where the Sub-Committee holds the hearing in the absence of a party, the Sub-Committee will consider at the hearing the application, representations or notice made by that party.
6. **The Chair** will explain the procedure to be followed at the hearing and will confirm whether the Sub-Committee must reach its decision at the end of the hearing or within 5 working days of the hearing, depending on the application being heard.
7. **The Clerk to the Sub-Committee** will indicate whether any party has requested permission for any other person(s) (other than his/her representative) to appear at the hearing to assist the Sub-Committee in relation to the application, representations or notice of the party making the request. The Sub-Committee will decide whether to grant permission to allow any other person(s) to appear at the hearing on behalf of the party; such permission will not be unreasonably withheld.
8. **The Clerk to the Sub-Committee** will ask whether any party is seeking to introduce any document(s) or other information not previously disclosed to all the other parties to the hearing and the licensing authority. If all the other parties consent, the previously undisclosed document(s) or other information can be produced by a party in support of their application, representations or notice (as applicable).
9. The hearing will take the form of a discussion led by the Chair of the Sub-Committee. Cross-examination will not be permitted unless the Sub-Committee considers that cross-examination is required to

consider the representations, application or notice as the case may require.

10. The Sub-Committee will consider any requests to permit cross-examination on a case-by-case basis. When permission is given to one party, it will also normally be extended to all other parties.
11. The Sub-Committee will decide the equal maximum period of time that each party will have to present their case.

The Hearing

12. *The Licensing Officer will present the report to the Sub-Committee.*
13. Members may ask any relevant questions of the Licensing Officer.
14. *The applicant, or the party who has initiated the hearing, will present their case first.*
15. The party shall be entitled to:
 - (a) give further information in support of their application, representations or notice (as applicable) in response to a specific request by the licensing authority prior to the hearing;
 - (b) question any other party (if permission has been given by the Sub-Committee);
 - (c) address the Sub-Committee.
16. If the Police are a party to the hearing, they will present their case. The Police have the rights listed in paragraph 15 (a) – (c) above.
17. If any other “responsible authority” are a party to the hearing, they will present their case in turn after the Police and have the rights listed in paragraph 15 (a) – (c) above.
18. Any other interested parties will then present their case in turn and have the rights listed in paragraph 15 (a) – (c) above.
19. Members of the Sub-Committee may ask questions of the/each party or any other person permitted to appear at the hearing in support of the party.
20. **The Chair** will invite the applicant, or the party who has initiated the hearing, and any parties making representations, to briefly summarise their points if they wish.
21. **The Chair** will ask the applicant, or the party who has initiated the hearing, and all parties making representations, that they are satisfied that they have said all they wish to.

The Decision

22. In considering any representations or notice made by a party, the Sub-Committee may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.

23. In reaching its decision, the Sub-Committee will disregard any information given by a party, or any person who has been permitted to appear at the hearing, which is not relevant to –
- (a) the application, representations or notice (as applicable) or in the case of another person, the application, representations or notice of the party requesting their appearance, and
 - (b) the promotion of the licensing objectives or, in relation to a hearing to consider a notice given by the Police, the crime prevention objective.
24. The Sub-Committee may consider its decision in private and may move into private session where it considers that the public interest in so doing outweighs the public interest in that part of the hearing taking place in public. If the Sub-Committee do move into private session then all the parties and their representatives, any other person permitted to appear at the hearing, officers, the public and the press will be asked to leave the room whilst the decision is made.

The Chair will tell those present at the meeting the decision taken by the Sub-Committee and the reasons for the decision.

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Agenda Item



CONSIDERATION OF AN APPLICATION FOR A PREMISES LICENCE TO BE GRANTED Tesco Stores Ltd, Unit 1, 172 East Road, Cambridge, CB1 1BG

To: Licensing Sub Committee:

Report by: Luke Catchpole (Senior Technical Officer)

Tel: 01223 457818 Email: luke.catchpole@cambridge.gov.uk

Wards affected: Market

INTRODUCTION

- 1.1 An application under section 17 of the Licensing Act 2003 for a Premises Licence to be granted in respect of Tesco Stores Ltd, Unit 1, 172 East Road, Cambridge, CB1 1BG has been received from Tesco Stores Ltd, Shire Park, Kestrel Way, Welwyn Garden City, Hertfordshire, AL7 1GA. The application was served on Cambridge City Council (the Licensing Authority) on 10th December 2018. A copy of the application was also served on each responsible authority. The application and plans of the premises is attached to the report at Appendix A.

- 1.2 The applicant is seeking a premises licence to supply alcohol (off the premises) between 07:00 and 22:00 Monday to Sunday inclusive, with opening hours of the premises from 06:00 to 23:00 Monday to Sunday inclusive.
- 1.3 In accordance with the regulations of the Act, the application was advertised on the premises and in the Cambridge News to invite representations from responsible authorities and other persons. The last date for submitting representations was 7th January 2019.
- 1.4 Representations were received from six other persons, attached to the report as Appendix B. No representations were received from any of the Responsible Authorities however Cambridge Constabulary agreed conditions with the applicant before the application was submitted (Annex 1 of the Application form). Cambridge Constabulary agreed a further condition with the applicant relating to CCTV during the representation period.
- 1.5 If members are minded to grant the application, these conditions would be added to the premises licence along with the other conditions offered by the applicant within the operating schedule. Members can also choose to add further conditions that are appropriate for the promotion of the licensing objectives if so minded.
- 1.6 A copy of the conditions agreed between the applicant and Cambridge Constabulary, along with the conditions within the operating schedule are attached to this report as Appendix C.
- 1.7 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 and Cambridge City Council's Statement of Licensing Policy.

3. BACKGROUND

- 3.1 The premises are located within a cumulative impact area. It is therefore subject to a special policy on cumulative impact. The special policy creates a rebuttable presumption that applications within

cumulative impact areas for any new premises licence or variations 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. The Council's Statement of Licensing Policy contains information on the cumulative impact. The section relating to cumulative impact has been taken from the policy and attached to the report as Appendix D.
- 3.3 Two previous applications have been made for a Premises Licence to be issued in respect of these premises. These were received on 17th November 2009 and 10th August 2010 respectively. Both applications were refused at hearings of the Licensing Sub-Committee after relevant representations had been received.
- 3.4 In carrying out its licensing functions, the Licensing Authority must have regard to its Statement of Licensing Policy 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 17 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 representation and also Cambridge City Council's Statement of Licensing Policy, 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 licence subject to the mandatory conditions and those conditions offered by the applicant which may be modified to such extent as the authority considers necessary for the promotion of the licensing objectives;
- (b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
- (c) to refuse to specify a person in the licence as the premises supervisor;
- (d) to reject 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, 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](#)

[Statement of Licensing Policy](#)

Appendix A – Application Form and Plan

Appendix B – Representations

Appendix C – Conditions agreed between applicant and Police and those offered within operating schedule.

Appendix D – Section from Statement of Licensing Policy that deals with Cumulative Impact

To inspect these documents either view the above hyperlinks or contact Luke Catchpole on extension 7818.

The author and contact officer for queries on the report is Luke Catchpole on extension 7818.

Report file: M:\Commercial and Licensing\COMMITTEE REPORTS\Sub Committee\2018-19\Jan – Mar 2019\Tesco East Road

Date originated: 10th January 2019

Late updated: 10th January 2019

APPENDIX A

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We **Tesco Stores Ltd**

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description:			
Tesco Stores Ltd 172 East Road			
Post town	Cambridge	Postcode	CB1 1BG

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ Not Yet Assessed, but enclosing cheque for £315 to cover fee

Part 2 - Applicant details

Please state whether you are applying for a premises licence as Please tick as appropriate

- | | | |
|--|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i as a limited company/limited liability partnership | <input checked="" type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability) | <input type="checkbox"/> | please complete section (B) |
| iii as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |

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- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth over		I am 18 years old or		<input type="checkbox"/>	Please tick yes
Nationality					
Current residential address if different from premises address					
Post town			Postcode		
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

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Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth over		I am 18 years old or		<input type="checkbox"/>	Please tick yes
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name Tesco Stores Ltd
Address Tesco House Shire Park Kestrel Way Welwyn Garden City Hertfordshire AL7 1GA
Registered number (where applicable) ██████████
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any) ██████████
E-mail address (optional) ██████████

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Part 3 Operating Schedule

When do you want the premises licence to start?

As soon as possible

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD MM YYYY
□ □ □ □ □ □ □ □

Please give a general description of the premises (please read guidance note 1)

Retail premises (supermarket) selling a range of goods and services. This includes the sale of alcohol for consumption off the premises. Sales of alcohol for consumption off the premises are made from the supermarket sales floor as shown on the enclosed plan

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

N/A

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

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Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

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A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

APPENDIX A

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

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C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

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D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

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E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

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F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

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H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 4)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

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J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	07:00	22:00			
Tue	07:00	22:00			
Wed	07:00	22:00			
Thur	07:00	22:00			
Fri	07:00	22:00			
Sat	07:00	22:00			
Day	Start	Finish	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sun	07:00	22:00			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name: Steven Nicholas Andrzejuk	
Date of birth: [REDACTED]	
Address: [REDACTED]	
Postcode	[REDACTED]
Personal licence number: [REDACTED]	
Issuing licensing authority: [REDACTED]	

□□□□

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K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	06:00	23:00	<p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)</p>
Tue	06:00	23:00	
Wed	06:00	23:00	
Thur	06:00	23:00	
Fri	06:00	23:00	
Sat	06:00	23:00	
Sun	06:00	23:00	

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M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

Tesco is a large national operator with a range of head office and local support. The company has devised policies, procedures, systems and training to ensure that they sell alcohol in a responsible manner.

There is a detailed training programme which ensures that comprehensive training is provided to employees having regard to their role and the responsibilities and such training is regularly reviewed and appropriate records kept.

b) The prevention of crime and disorder

The premises will have digital CCTV system that covers many areas of the shop floor, including the main area which will be used for display of alcohol, Images will be retained for a minimum of 21 days

A member of the Management team will ordinarily be on the premises all the time the store is open and person will have responsibility for the premises whilst the premises are open.

c) Public safety

The premises licence holder is fully aware of its responsibilities under a range of health and safety related legislation and has appropriate policies and procedures in place to be confident of complying with the relevant obligations which arise.

d) The prevention of public nuisance

The company has a "good neighbour" policy which seeks to ensure that the premises play an active part in the local community.

e) The protection of children from harm

The premises will operate a Think 25 policy. The checkouts will be programmed to prompt the checkout assistant when an alcohol product is scanned at the till to follow the Think 25 policy.

Colleagues will receive appropriate training both in relation to the underlying law and the Tesco policy, systems and procedures. This training will be documented and repeated as often as Tesco believes to be appropriate.

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Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.


IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.

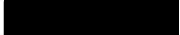

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing
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APPENDIX A

	work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	
Date	07/12/2018
Capacity	Hardish Purewal – Licensing Manager

For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Licensing Team, Tesco Stores Limited, 5 Falcon Way (Maldon), Shire Park			
Post town	Welwyn Garden City	Postcode	AL7 1TW
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
			

APPENDIX A

Appendix 1 – Conditions already agreed with the Police in connection with this application

- A security officer to be on duty at the premises at all times when licensable activities are taking place.
- A member of staff to be present in the checkout area during licensable activities
- There shall be no sale of beer, lager or cider with an ABV content of 5.5% or above except for specialist branded premium priced products or products agreed by the police.
- The store will join Cambridge Business Against Crime and operate a CMBAC radio (or any similar scheme which succeeds CMBAC).
- There shall be no self-service of spirits at the premises.
- Alcohol shall not be stored or displayed within 3 meters of the entrance/exit to the premises.
- All staff will receive comprehensive training in relation to age restricted products and in particular the sale of alcohol. No member of staff will be permitted to sell age restricted products until such time as they have successfully completed the aforementioned training.

Notes for Guidance

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APPENDIX B

Luke Catchpole

From: Taxi
Sent: 07 January 2019 13:00
To: Alexander Finlayson
Subject: FW: Representation regarding the proposed premises licence at Tesco, East Rd, Cambridge

From: Mike Davey [REDACTED]
Sent: 07 January 2019 12:57
To: licensing
Subject: Representation regarding the proposed premises licence at Tesco, East Rd, Cambridge

Dear Licensing Team,

I wish to make a representation in relation to the proposed premises license at Tesco's on East Road. I understand today is the closing date for making representations. I understand that I am entitled to make a representation as a local individual who's child attends St Matthews Primary school on Norfolk Street.

Whilst I am pleased that the Police have agreed to attach a number of conditions to the proposed sale of alcohol from Tescos, my concerns relate to where those purchasing will go to drink. As I am sure you will be aware there is considerable green space in and around the Norfolk Street and Staffordshire Gardens locality, and I would suggest that particularly in the summer months it is very likely that significant numbers of folk buying drink from Tesco will be tempted to go there to consume. This could cause considerable and on-going distress to the residents of the East Road estate, but of particular concern to me is the potential impact on children leaving school in the afternoon should they witness any drunken or disorderly behaviour. It is my understanding that there have been a history of anti-social problems in the past in this area, specifically in relation to alcohol purchased elsewhere in the locality. At that time local residents organised a successful campaign to prevent Tesco gaining a license when the shop first opened. I am not clear what has changed in the interim to make granting the license a wise move now. I am also aware that East Road is within the cumulative impact area in regard to the sale of alcohol. I am unclear as to why this shouldn't be taken into account in the granting of a new license. I am therefore making my representation to you in relation to the third and fourth objectives under The Licensing Act namely, the prevention of public nuisance and the protection of children from harm.

I look forward to hearing from you.
Mike Davey, 1 [REDACTED] de [REDACTED]

APPENDIX B

Luke Catchpole

From: Richard Robertson
Sent: 07 January 2019 10:07
To: Alexander Finlayson
Subject: Re: Current, outstanding premises licence applications - reminders.

Thanks for this Alexander.

I wish to object to the application for a licence to sell alcohol at 172 East Road.

The area around the premises, has a history of considerable drinking of alcohol on the street and park areas with resultant anti-social and violent behaviour. Because of this the street is included in the Cumulative Impact Area. This has existed for many years and was reviewed and confirmed in 2017/18 by the city council. It has had some effect in containing the problem caused by excess drinking on the street however further action had to be taken and Public Space Protection Orders were added covering certain areas including Petersfield Green which is located very close to the applicant's premises.

Despite all these actions problems persist in the form of drunkenness, noise, partying, fighting, urination and defecation in public in areas near the premises. During the last year and especially in summer months residents of Petersfield Terrace, Bradmore Street and Petersfield Mansions made numerous complaints to me, and I believe the city council and police, with regard to these events. The problems still exist and allowing a further premises to sell alcohol would be to risk exacerbating the current position.

Residents have also voiced concerns about the risk of harm to children in the area – physical, moral and psychological. St Matthew's Primary School is opposite the applicant's premises and there are three children's play areas close by – on Petersfield Green, in Flower St and on the East Road estate.

For these reasons I feel that all four of the criteria for assessing licence applications are at risk if this application is allowed. ie Prevention of Crime and Disorder; Public Safety; Prevention of Public Nuisance; and Protection of children from harm.

I do not feel that the provisions suggested by the applicant for controlling the sales of alcohol from their premises, such as only selling limited strength alcohol and providing a guard on the door, would be enough to prevent the problems and risks in the area being worsened by the licence being granted.

best regards

Richard
Cllr Richard Robertson



APPENDIX B

Luke Catchpole

From: Anthony Martinelli
Sent: 06 January 2019 14:59
To: Alexander Finlayson
Subject: Tesco, Unit 1, 172 East Road

Dear Alexander,

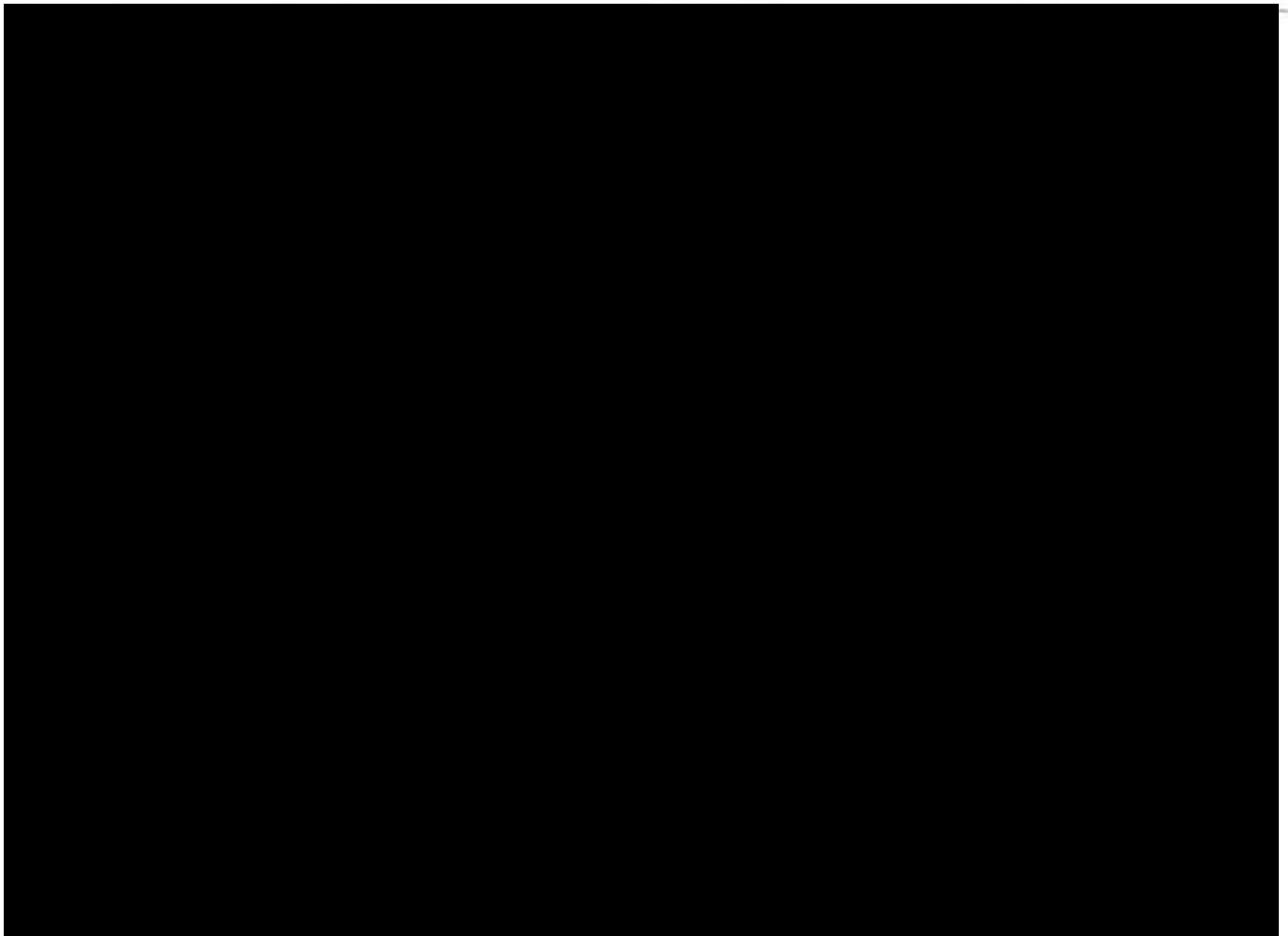
As a councillor for the ward I would like to object to this application for the sale of alcohol.

This area already experiences significant problems with begging and visible alcohol abuse, particularly associated with significant street-life related issues. I would expect the additional sale of alcohol here to drive further antisocial behaviour, alcohol-related crime and alcohol-related injury. This is not mentioned or addressed within the application and no plans are suggested that would in any way mitigate this.

Additionally, this store is situated within the cumulative impact zone and it seems clear that this proposal would add further impact - there is no demonstration that this would not be the case. Of the nearby premises that do sell alcohol, none operate before 11:00 and thus this licence would be a significant outlier.

Yours sincerely,

Anthony Martinelli
City Councillor for Market Ward (Liberal Democrat)



APPENDIX B

Luke Catchpole

From: [REDACTED]
Sent: 06 January 2019 14:34
To: Alexander Finlayson
Subject: Tesco East Road Premises License

Importance: High

Tesco premises licence application

I would like to enter my opposition to the premises licence application by Tesco, Unit 1, 172 East Road, Cambridge, Cambridgeshire, CB1 1BG.

Deadline for representations: Monday 7th January 2019.

I live on Norfolk Street and work at St. Matthews Primary school. I have lived on Norfolk Street for 15 years. I am also a Governor at St. Matthew's Primary School. The school is located directly across the road from the Tesco Express, with windows looking directly onto said area of East Road. Living and working just 300 meters from the Tesco Express I feel that I know the area very well. This shop is also located just down the road from Jimmy's Night Shelter. The Tesco Express is in the Cambridge City East Road Cumulative Impact Area, the area in the city that has the highest density of alcohol-related offences and licensed premises.

This part of the city has a problem with aggressive beggars, rough sleepers, street drinkers, drug dealers, as well as drug users. Petersfield and Kite wards have very few, if any, police on foot patrol. People are sleeping rough in the door ways of many of the surrounding businesses, as well as in the front of the Tesco Express itself. Not to mention the fights and shouting matches that currently take place in front of the very said Tesco Express.

In their application Tesco state that they will have digital CCTV that will cover many areas of the shop floor, that a member of the Management team will ordinarily be on the premises, as well as a security guard. They currently have a security guard on the door but still have a problem with shoplifters; management ordinarily being on the premises doesn't sound very convincing to me either. As far as their "Good Neighbour" policy, I have never seen them engage in the community at all, just contribute to the amount of beggars and litter on East Road. To my knowledge they don't get involved with the local primary, secondary school, nor with PACT (Petersfield Area Community Trust).

I hope that the right thing will be done, and that the variation application will be turned down again.

Thank you,

Mrs. Julie Murphy
[REDACTED]

APPENDIX B

Luke Catchpole

From: [REDACTED]
Sent: 04 January 2019 15:35
To: Alexander Finlayson
Subject: Tesco Premises Licence Application - Unit 1, 172 East Road

Dear Alexander,

As a ward councillor, I wish to object to the above application for the sale of alcohol.

I am concerned about compliance with all four licensing objectives, in particular noting the premises' proximity to:

- Jimmys Homeless Hostel and Assessment Centre
- St Matthew's Primary School
- the prevalent begging, street culture in the vicinity, including immediately outside the premises concerned

The applicant's response to the third licensing objective - prevention of public nuisance - is particularly insubstantial. And the applicant's interpretation of the fourth objective - the protection of children from harm - is focused solely on under-age sales, and not at all on the impact of supplied alcohol fuelling intoxicated street behaviour on the street in front of young school children.

The retail sale of alcohol along this facade of shops has been experienced until several years ago and was clearly associated by the Police and members of the public with high intensity of begging and anti-social behaviour. An application for these premises by this same applicant has previously been rejected largely on these grounds.

Given that the premises are located within the cumulative impact area, I do not consider that the applicant has satisfactorily demonstrated why the operation of the premises involved will not add to the cumulative impact already being experienced. Furthermore the conditions offered are significantly below, and the hours of sale proposed are significantly excess of the standards imposed on a similar operation at Sainsburys, 52-54 St Andrews Street, noting particularly:

- sales being permitted from 7am to 10pm, instead of the much more limited 11am to 8pm
- no necessary presence of the designated premises supervisor for all alcohol sales, to make and authorise the sales
- absence of permitted price controls
- no requirement for incident book, refusals register or DPS to attend meetings with the Police upon invitation
- explicit specification of necessary training.

In a number of respects, too much in this application is assumed to be regulated internally by the applicant's wider company, leaving insufficient points of specific public accountability to the licensing authority for this particular application.

In summary, I believe the applicant misunderstands the factors lying behind the cumulative impact area within the council's policy and the sensitivities inherent in this vicinity within it.

APPENDIX B

Luke Catchpole

From: [REDACTED]
Sent: 02 January 2019 20:40
To: Alexander Finlayson
Subject: Tesco premises licence application

Dear Alexander

Tesco premises licence application

I wish to object to the application as below.

Applicant: Tesco, Unit 1, 172 East Road, Cambridge, Cambridgeshire, CB1 1BG.

Deadline for representations: Monday 7th January 2019

I have lived locally for over 25 years and am familiar with the local community.

I believe this would lead to the following.

1. An increase in crime and disorder around the East Road area due to aggressive begging for money to buy alcohol.
2. A decrease in public safety primarily in people wandering across East Road through moving traffic as I have personally witnessed myself on many occasions.
3. An increase in public nuisance due to those who are intoxicated
4. The threat of harm to children primarily to those going to and from St Matthew's Primary School. Those schoolchildren may witness crime and disorder and injury and even death of intoxicated people wandering in East Road from the windows of the school that directly overlook East Road.

This business is located in the Cambridge City East Road Cumulative Impact Area, the area that has the highest density of alcohol-related offences and licensed premises.

I have written before about licensing applications from businesses on East Road before, especially in relation to the children and families attending St Matthew's Primary School, and including in my previous capacity as Chair of Governors there.

Regards

Councillor Martin Smart
Labour, King's Hedges
Cambridge City Council

Appendix C – Conditions proposed in operating schedule and those agreed between applicant and Cambridge Constabulary

Conditions proposed in Operating Schedule

a) General - all four licensing objectives (b, c, d and e)

b) the prevention of crime and disorder

A member of the Management team will ordinarily be on the premises all the time the store is open and this person will have responsibility for the premises whilst the premises are open.

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

The premises will operate a Think 25 policy. The checkouts will be programmed to prompt the checkout assistant when an alcohol product is scanned at the till to follow the Think 25 policy.

Colleague will receive appropriate training both in relation to the underlying law and the Tesco policy, systems and procedures. The training will be documented and repeated as often as Tesco believes to be appropriate.

Conditions agreed between applicant and Cambridge Constabulary

b) The prevention of crime and disorder

- Digital CCTV with appropriate recording equipment shall be installed. The CCTV to cover areas of the store including the alcohol section, checkouts and the entrance and exit to the premises.
- The CCTV system shall record footage when the premises is open for licensable activities.
- CCTV equipment must be maintained in good working order, be correctly time and date stamped and must be retained for a minimum period of 31 consecutive days.
- The CCTV at exit points will record a clear facial image of every person entering or exiting in any light condition.
- An appointed member of staff will be present when the premises is conducting a licensable activity, who is capable and competent at using the CCTV system and downloading CCTV footage on their own recordable media, and be able to hand this footage over to the Police / Local Authority on request. The operator will stock their own downloaded media. The recording equipment and discs/USB pen drives must be kept in a secure environment.

A security officer to be on duty at the premises at all times when licensable activities are taking place.

A member of staff to be present in the checkout area during licensable activities.

There shall be no beer, lager or cider with an AVB content of 5.5% or above except for specialist branded premium priced products or products agreed by the police.

The store will join Cambridge Business Against Crime and operate a CAMBAC radio (or any similar scheme which succeeds CAMBAC).

There shall be no self-service of spirits at the premises.

Alcohol shall not be stored or displayed within 3 meters of the entrance/exit to the premises.

All staff will receive comprehensive training in relation to age restricted products and in particular the sale of alcohol. No member of staff will be permitted to sell age restricted products until such time as they have successfully completed the aforementioned training.

Appendix D

Section from Statement of Licensing Policy in regards to Cumulative Impact

5. The cumulative impact of a concentration of licensed premises

5.1 Cumulative impact is the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area e.g. the potential impact on crime and disorder or public nuisance.

5.2 The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter that the Licensing Authority can take into account. This should not, however, be confused with 'need' which concerns the commercial demand for a particular type of premises e.g., a pub, restaurant or hotel. The issue of 'need' is therefore primarily a matter for the market to decide and does not form part of this licensing policy statement.

5.3 The Licensing Authority can only adopt a special policy on cumulative impact if there is evidence that a significant number of licensed premises concentrated in one area is causing a cumulative impact on one or more of the licensing objectives. The Licensing Authority will keep the situation as to whether an area is nearing this point under review.

5.4 The absence of a special policy does not prevent any responsible authority or other person making representations on a new application for the grant or variation of a licence on the grounds that the premises will give rise to a detrimental cumulative impact on one or more of the licensing objectives in a particular area.

5.5 Following previous consultations and representations received by Cambridge Constabulary, the Licensing Authority has adopted a special policy on cumulative effect that remains in place.

5.6 In response to these representations the Licensing Authority has undertaken the following steps in considering whether to adopt a special policy on cumulative effect within this statement of licensing policy:

- Identified concern about crime and disorder or public nuisance
- Considered whether there is good evidence that crime and disorder are happening and are caused by customers of licensed premises and that the risk of cumulative impact is imminent
- Identified the boundaries of the areas where problems are occurring
- Consulted with those specified in section 5(3) of the Licensing Act 2003, on the proposal for a special policy in relation to new applications and variations to existing premises licences and club premises certificates and considered the outcome of the consultation

5.7 Having considered the available evidence and undertaken consultation, the Licensing Authority considers that it is appropriate and necessary to control cumulative impact. The Licensing Authority has adopted a special policy relating to cumulative impact to the areas set out in paragraph 5.8 below.

Special Policy on Cumulative Effect

5.8 The Licensing Authority has adopted a special policy relating to cumulative impact in relation to the areas of the City:

- Within the city centre marked on the map at Appendix 1
- At the Cambridge Leisure Park marked on the map at Appendix 2.
- This area also includes the section of Cherry Hinton Road opposite the leisure park running from Hills Road to Clifton Road (both sides of the road).
- The entire length of Mill Road Cambridge (excluding Brookfields)
- The section of Hills Road running from the city to Purbeck Road (both sides of the road).

5.9 The evidence for this special policy has been supplied by Cambridge Constabulary on the grounds of Crime and Disorder and is set out in Appendix 3.

5.10 This special policy creates a rebuttable presumption that applications within the areas set out in paragraph 5.8 for new premises licences or club premises certificates or variations 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, unless the applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact already being experienced.

5.11 Applicants will need to address the special policy issues in their operating schedules in order to rebut such a presumption.

5.12 Despite the presumption against grant, responsible authorities and/or other persons will still need to make a relevant representation before the Licensing Authority may lawfully consider giving effect to its special policy i.e. if no representation is received, the application must be granted (subject to such conditions as are consistent with the operating schedule and any mandatory conditions required by the Licensing Act 2003). Responsible authorities and other persons can make a written representation referring to information, which had been before the Licensing Authority when it developed its statement of licensing policy.

5.13 The Licensing Authority recognises that a special policy should never be absolute. The circumstances of each application will be considered properly and applications for licences and certificates that are unlikely to add to the cumulative impact on the licensing objectives may be granted. After receiving representations in relation to a new application or for a variation of a licence or certificate, the licensing authority will consider whether it would be justified in departing from its special policy in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. If the Licensing Authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of the licensing objectives and that necessary conditions would be ineffective in preventing the problems involved.

5.14 This special policy will not be used:

- as a ground for revoking an existing licence or certificate when representations are received about problems with those premises
- to justify rejecting applications to vary an existing licence or certificate except where those modifications are directly relevant to the policy (as would be the case with an

application to vary a licence with a view to increasing the capacity limits of the premises) and are strictly necessary for the promotion of the licensing objectives

- to include any provisions for a terminal hour in any particular area which might impose a fixed closing time akin to that under the

'permitted hours' provisions of the Licensing Act 1964

- to impose quotas - based on either the number of premises or the capacity of those premises - that restrict the consideration of any application on its individual merits or which seek to impose limitations on trading hours in particular areas. Quotas have no regard to individual characteristics of the premises concerned. Proper regard will be given to those differences and the differing impact they will have on the promotion of the licensing objectives

5.15 This special policy will be reviewed regularly to assess whether it is still needed or should be expanded

Other mechanisms for controlling cumulative impact

5.16 Once away from the licensed premises, a minority of consumers will behave badly and unlawfully. However, there are other mechanisms, both within and outside the licensing regime, that are available for addressing such issues. For example:

- planning controls
- positive measures to create a safe and clean environment in partnership with local businesses, transport operators and others
- the provision of CCTV, ample taxi ranks, Cambridge BID and CAMBAC (Cambridge Business Against Crime).
- powers to designate parts of the city as places where alcohol may not be consumed publicly. There are currently 3 Public Spaces Protection Order's in place. These are Donkey Common, Mill Road Cemetery and Ditchburn Place.
- confiscation of alcohol from adults and children in designated areas
- police enforcement of the law with regard to disorder and anti-social behaviour, including the issuing of fixed penalty notices
- police powers to close some premises for up to 24 hours on the grounds of disorder, the likelihood of disorder or excessive noise
- the power of police, local businesses or residents to seek a review of the licence or certificate
- enforcement action against those selling alcohol to people who are drunk.

5.17 The above can be supplemented by other local initiatives that similarly address these problems, for example, through the Cambridge Community Safety Partnership in line with the strategic objectives for crime and disorder reduction within the City.

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