

LICENSING SUB COMMITTEE15 June 2020
10.30 - 11.46 am**Present:** Councillors Bird, Gehring and McPherson**Officers**

Senior Technical Officer: Luke Catchpole

Legal Adviser: Paul Weller

Committee Manager: Sarah Steed

Present for the Applicant

Applicant: Mr Sekin

Applicant's Representative: Mr Hopkins

Other Persons

Police Sergeant: Mazur

Police Constable: Metcalfe

Ward Councillor: Mike Davey

Lord Balfe

Mr Gawthrop

FOR THE INFORMATION OF THE COUNCIL**20/30/Lic Appointment of a Chair**

Councillor McPherson was appointed as Chair for the meeting.

20/31/Lic Declarations of Interest

Name	Item	Interest
Councillor Gehring	20/34/licsub	Personal: He is a governing body fellow of Hughes Hall which had premises in the area.

20/32/Lic Meeting Procedure

All parties noted the procedure.

20/33/Lic Brothers International Supermarket - Premises Licence Application

The meeting was restarted as there was no sound on the live stream when the meeting initially commenced.

The Senior Technical Officer presented the report and outlined the application.

Applicant's representative

Mr Hopkins made the following points:

- i. He was aware the premises was in a cumulative impact zone and the issues which arose within the area.
- ii. Had taken account of the representations especially those made by the Police and as a result additional conditions had been submitted to accompany the application.
- iii. Proposed amendments to the licensable hours.
- iv. Had accepted conditions suggested by the Police detailed in appendix 5 of PC Metcalfe's presentation pack.
- v. A 'challenge 25' condition was now included, which required proof of age when purchasing alcohol using specified ID.
- vi. A written refusals record would be maintained, detailing when the sale of alcohol had been refused.
- vii. Proposed a minimum alcohol content for spirits and also that a minimum of 4 cans of lager, cider or beer to be sold at the premises.
- viii. Proposed a condition that a minimum of 2 staff had to be on duty, but in reality, it was likely that there would be 4 staff members working at a time.
- ix. Proposed that specified certain people had to be on duty when alcohol was sold.
- x. Proposed a condition that alcohol supplied off the premises had to be in sealed containers and no alcohol could be consumed on the premises. All alcohol containers had to contain the postcode of the premises.
- xi. Staff would be trained for their role on induction and would have refresher training. Staff would also receive conflict management training.
- xii. Spirits would be displayed behind the counter.
- xiii. All displays of alcohol would be covered by CCTV at all times.
- xiv. Invoices for the premises purchase of alcohol would be retained.
- xv. Management staff to discourage people loitering or drinking outside of the premises.

- xvi. The CCTV would be monitored and physical checks would be carried out.
- xvii. The applicant was aware of existing problems in the locality and did not want to add to any anti-social behaviour (ASB). He wanted to make his shop less attractive to those with alcohol problems and this was why he had amended the licensable hours being sought in the application to 10.00 - 23.00 and also accepted the Police suggestion to have a minimum strength of alcohol of 5.5%.
- xxviii. No small bottles of alcohol below 20cl would be sold on the premises.
- xix. Comments had been made by some of the residents that beggars hung around the ATM machines as they would ask people taking money out for money to buy alcohol.
- xx. The licensable hours will align with the opening hours of the shop, so the shop would shut at 23.00 rather than 23.30 so that people returning from a night out would not be able to buy alcohol.
- xxi. The minimum purchase was restricted to 4 cans to deter people trying to 'pre-load' before a night out.
- xxii. All staff would receive approved conflict management training, so that they had the tools to be able to deal with aggressive people. Customers would be refused service if they were aggressive towards staff.
- xxiii. For the first year all training would be provided by an external competent trainer.
- xxiv. If a licence was granted today the applicant would consider an SIA licensed door supervisor to be on duty from 19.00 - 23.00 on a Friday and a Saturday. The applicant was an SIA licensed door supervisor and had 4 years experience working as such on doors to nightclubs in Shoreditch East London.
- xxv. The applicant would be a responsible licence holder he had looked at the concerns which were raised in the representations and looked at the area and agreed a comprehensive set of conditions.
- xxvi. Conditions on this premises would be stronger than on premises nearby.
- xxvii. The applicant had operated the shop for the past year and a quarter, it was a convenience store. He wanted to make the shop a 'one-stop shop'. He had experience working in an off-licence in the London Borough of Camden.

- xxviii. A number of residents thought this was a variation application for a late-night licence, but this premises has never been licensed and had never sold alcohol.
- xxix. Referred to alcohol related crimes figures the Police provided during 2013/14 and 2016/17 which showed that crime had substantially reduced during this period, the police had not indicated that the downward trend had not continued over the years to 2018/19. He assumed the trend had gone down in Mill Road and the surrounding area from the figures the police had provided within their submission.
- xxx. The police officer's submission commented that the CIZ was last reviewed in 2017, the police concluded from crime statistics that the current initiatives were effective and having a positive impact.
- xxxi. If crime continued to reduce as the evidence suggested, an operator should be given a chance especially in the current climate.
- xxxii. In summary, there was a responsible operator with relevant experience, he had responded to the concerns raised in the representations by proposing conditions. He accepted the conditions which had been proposed by the police and also proposed additional conditions. The licensing objectives would be addressed and there would be no negative impact. The rebuttable presumption to refuse the application had been overcome and asked that the licence was issued.

Member Questions

Mr Hopkins and the Applicant made the following statements in response to Members' questions:

- i. He referred to condition 15 at appendix 5 of the police report, which limited the display area to a maximum of 10% of the area of the premises. There were also other conditions which assisted and meant that alcohol had to be a strength of 5.5% and there was a minimum sale of 4 bottles / cans. Spirits had to be located behind the counter.
- ii. Referred to conditions 2 - 6 contained in appendix 5 of the police officer's submission which detailed the CCTV requirements the police wanted and that the applicant had accepted.
- iii. The applicant had the latest CCTV software; there were 14 cameras in the store, this would always be monitored by staff at the till and would also be watched by 3 other people.

PC Metcalfe made the following points:

- i. The application was in the CIZ and the representation was in relation to the licensing objectives: prevention of crime and disorder, nuisance and public safety.
- ii. The applicant had not sought pre-application advice however she had received email correspondence following the submission of the application on 25 May and a response from the police was provided on the 28 May 2020.
- iii. The whole length of Mill Road was included within one of the council's CIZ and referred to the Petersfield section in appendix 1 of the police officer's representation.
- iv. Mill Road was divided between Petersfield and Romsey wards and the wards were separated by the railway line. It was a major thoroughfare for people getting into Cambridge.
- v. There were continued problems in the area particularly alcohol related ASB, alcohol related crime and public nuisance.
- vi. The area continued to attract individuals who lead a street life existence many of whom were vulnerable and had alcohol/ drug problems and who led a chaotic lifestyle and would be drawn to another alcohol retail outlet. These people could present significant challenges for staff and other customers and are often ready to use violence or aggression when challenged or refused service.
- vii. Other alcohol related issues in Cambridge included people on route to an evening out in the city centre who might be looking to 'pre-load' on alcohol prior to reaching their city centre destination. These customers wouldn't be purchasing alcohol to drink in their own homes but would be consuming the alcohol on the street, adding to the on-street consumption. Additionally on the return journey they might be intoxicated seeking food or further alcohol to consume on their route home. An additional off licence would be a magnet to these people who may present difficulties for staff due to their drunkenness.
- viii. There were 44 licenced premises on Mill Road, made up of premises which had on licences, off licences and both licences. 26 of these premises were along the Petersfield section of Mill Road and this represented 42% of the 61 licenced premises which were in the Petersfield Ward. Another general off-licence permitting the sale of

alcohol for consumption off the premises would only add to and exacerbate the existing problems on Mill Road. This was not only an unnecessary addition to Mill Road and Petersfield Ward but was unhelpful in an alcohol sensitive area, merely adding to the cumulative impact.

- ix. The CIZ was last reviewed in 2017 and the report submitted by the police concluded that the reduction in incidences of alcohol related crime are considered partly due to the robust policing in the area and licences issued through the use of the CIZ having the desired effect.
- x. More recent figures 1/3/19-1/3/20 showed the police recorded 26 street-based incidents along the Petersfield side of Mill Road involving an alcohol marker. Incidents are dependent upon being tagged with an alcohol marker, which was not always reliably the case.
- xi. The area was covered by the city council's Public Spaces Protection Order (PSPO), which was valid for another 2 years and affirmed the belief the area suffered from ASB and alcohol related crime. The areas covered by the PSPO are Petersfield Green, Mill Road cemetery and the front garden of Ditchburn Place. The PSPO prohibits people from consuming alcohol or having an open container of alcohol in their possession.
- xii. The premises was situated between the entrance between Mill Road cemetery and Petersfield Green which was shown on appendix 4 of the officer's submission.
- xiii. Control could not be exercised over customers once they had left the premises.
- xiv. The special policy regarding CIZ created a rebuttable presumption, that applications likely to add to the existing cumulative impact would normally be refused if relevant representation were received regarding the cumulative impact unless the applicant could demonstrate why the operation of the premises involved would not add to the cumulative impact already experienced.
- xv. The police did not believe the application submitted addressed the rebuttable presumption sufficiently for the premises licence to be granted and therefore objected in the strongest terms against the application.
- xvi. Asked if the application was granted that the conditions detailed in appendix 5 to the police officer's submission were imposed.

- xvii. Noted the additional conditions proposed by the applicant but continued to object to the application.

Member Questions

DS Mazur made the following statements in response to Members' questions:

- i. The police continued to receive calls for response during the COVID-19 lockdown, relating to the street homeless community and the street community who would normally be associated with street drinking in Mill Road. Calls varied from COVID-19 assistance to those not complying with social distancing measures, to street based ASB and alcohol misuse which would have been received prior to lockdown.
- ii. There was some reduction due to housing measures the city council put in place during lockdown but they continued to see incidents of alcohol related ASB on Mill Road throughout.
- iii. The additional conditions submitted by the applicant were noted but they did not believe the measures would be sufficient to stop the premises having a negative impact. This would be an additional alcohol sale outlet. Once the alcohol had been sold and the customer had left the premises, they had no control over how the alcohol was consumed or the behaviour of the individuals. The position remained the same that the police objected to the application.

Other Persons

Mr Balfe made the following comments:

- i. Mr Hopkins quoted from the police representation and Mr Balfe asked that the second part of the paragraph was quoted which stated that the 'previously identified hotspots, alcohol related crime and incidents continued to be hotspots in Cambridge City and therefore it was recommended that the current community impact areas remained in place'.
- ii. Noted that the applicant did not seek pre-application advice from the police which was recommended on the city council's website.
- iii. Noted that a premises application was turned down in 2012.
- iv. There was a CIZ zone.
- v. No-one in the community had written in to support the application. All 77 representations against the application were individual responses they were not a single standard representation which had been signed and returned by a lot of people.

- vi. There was no shortage of places to buy alcohol on Mill Road there was an overabundance of them.
- vii. All the representations asked the Licensing Sub Committee not to grant the premises licence.

DS Mazur made the following statements in response to Members' questions:

- i. Had revisited the record of incidents (scanning) undertaken prior to preparing her written statement and gave the Sub Committee an overview given that the information had been checked during the Sub Committee hearing. There was no specific time of day when alcohol related ASB occurred. Incidents with an alcohol tag or involving street drinkers occurred all hours throughout the day. Examples were provided.
- ii. Did not believe having extra security provision at the premises on a Friday and Saturday would have a positive impact, it would need to be a permanent presence. There was no set time window when the additional security presence would have an impact.

Mr Gawthrop made the following comments:

- i. A lot had been said about the impact of the proposed application on Mill Road itself regarding alcohol related problems. Mill Road had been a hot spot for alcohol related issues for a number of years. This had been discussed regularly at the City Council's East Area Committee.
- ii. He wanted to raise awareness of the impact of excessive alcohol on residents on the surrounding streets off Mill Road.
- iii. Residents had to suffer a lot of late-night noise and vandalism.
- iv. He could look out of his windows and see people intoxicated which could be distressing and dangerous.
- v. When residents had challenged people causing ASB, these people had attempted to kick in residents' doors.
- vi. Having a minimum amount of alcohol which had to be purchased was not a deterrent. Street drinkers had the funds to be able to purchase alcohol in packs of 4.
- vii. The strength of local feeling was self-evident.
- viii. Asked that the application was refused.

DS Mazur made the following statements:

- i. Her experience of policing in Mill Road and the surrounding area was commensurate with Mr Gawthrop's comments. This area was a current priority with her team given the issues which were being reported not just on Mill Road but in the surrounding streets regarding drug and alcohol

ASB which involved street homeless or those with an otherwise street lifestyle.

Mr Hopkins made the following statements:

- i. With reference to the comments made by Mr Gawthrop, the measures proposed by the applicant had been used in one of the worst areas in East London (Newham) and it did work. It could not stop everyone buying alcohol and this wasn't what was being suggested however these measures were used by the Metropolitan Police and worked well.
- ii. Noted comments referring to ASB late at night which no-one disputed happened. The revised hours proposed meant that the premises would be closed by 23.00, so they would not be selling alcohol late at night.

PC Metcalfe made the following statements:

- i. In her experience people who lived on the streets and had a street life existence did have funds and could earn a lot of money from street begging, they could club resources together to buy alcohol and share the alcohol out.

Mr Gawthrop made the following statement in response to Members' questions:

- i. The worst areas associated with alcohol issues were by the Salvation Army community centre and then right down to Petersfield, there were problems on the street but there were also problems in the cemetery. Acknowledged that the cemetery was subject to a PSPO but it was extremely difficult for the police to monitor as it was 10 acres but a large amount of drinking and drug taking took place in the cemetery. It was self-evident that the drink which was consumed in the cemetery came exclusively from Mill Road.
- ii. There used to be a shop in Norfolk Street which sold alcohol but this had since closed. The premises had had a restriction put on its licence because it sold alcohol to people who used to consume alcohol in the cemetery.

Councillor Davey addressed the Committee as a Ward Councillor for the area:

- i. He questioned what could be done to make Mill Road better. The premises licence application did not enhance Mill Road and did not meet the licensing objectives. The application did not make the space safer and it would increase public nuisance. He asked the committee to refuse the application.
- ii. There was a cumulative impact on Mill Road.

- iii. He had heard the mitigation put forward by the applicant however there were already 26 licensed premises in Peterfield. Another licensed premise open for 13 hours would by its very nature add to the existing problem. It therefore added to the cumulative impact of alcohol consumption, no matter what the mitigation that would be an impact.
- iv. To have licensed doormen outside the premises for particular hours on a Friday and Saturday night would not mitigate the issues. He referred to comments made by DS Mazur that drinking took place throughout the day.
- v. He noted that 77 residents had submitted objections, the application was not what the community wanted.
- vi. He noted that Mr Hopkins said that the application was a local application for local people but noted that 77 people had written in to object to the application.
- vii. The public health issue that he had received most complaints about within the last 2 months was street drinking on Mill Road. He had been in daily contact with DS Mazur for the past week regarding street drinking.
- viii. Asked the Committee to refuse the application on the grounds that it did not enhance public safety, it would create further public nuisance and would likely create further crime and disorder.

Councillor Davey made the following statement in response to Members' questions:

- i. He did not want to take members away from consideration of licensing issues by the concerns regarding street drinking and non-compliance with social distancing. He was working with County Councillor Jones to look at how they could make Mill Road better.

Summing Up

Mr Hopkins made the following points:

- i. Referred to comments made by DS Mazur regarding alcohol related ASB at 8.35am. Alcohol could not be bought from the applicant at that time as the premises would not be open until 10.00.
- ii. Highlighted that the comments made by Lord Balfe regarding a 2012 application were not relevant to his client, as his client had only taken over the shop in 2019.

Ds Mazur made the following points:

- i. The illustration of an incident early in the morning was mainly to give context to the scale of the problem and the fact that it cannot be easily confined to specific hours of the day or night and to provide some illustration of the impact on policing resources and the impact on the daily lives of those who lived in and around Mill Road.

Members withdrew at 11:46 am. Whilst retired, and having made their decision, Members received legal advice on the wording of the decision.

Decision

The Sub Committee resolved not to grant the licence.

Reasons for reaching the decision were as follows:

1. The Licensing objectives have not been met.
2. This application was within the ClZ and the application did not address the licensing objectives.
3. Local residents and local councillor objected to the application.
4. There are existing alcohol related issues with anti-social behaviour on Mill Road and the local area.
5. Recognised that the applicant recommended substantially amended conditions but these were not regarded as sufficient to fully meet the licensing objectives. The Sub Committee sought the view of the Police regarding the amended conditions and the Police continued to object to the application.

The meeting ended at 11.46 am

CHAIR