

LICENSING SUB COMMITTEE

14 May 2020
10.30 - 11.45 am

Present: Councillors Massey, Moore and Sargeant

Officers

Senior Technical Officer: Alex Beebe

Legal Adviser: Paul Weller

Committee Managers: James Goddard & Claire Tunnicliffe

Present for the Applicant

Applicant's Representative: Mr Avinash Nath

Other Persons

Market Ward Councillor: Tim Bick

FOR THE INFORMATION OF THE COUNCIL

20/22/Lic Appointment of a Chair

Councillor Sargeant was appointed as Chair for the meeting.

20/23/Lic Declarations of Interest

No declarations of interest were made.

20/24/Lic Meeting Procedure

All parties noted the procedure.

20/25/Lic Nath & Sons - Premises Licence Application

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

In response to members' questions the Senior Technical Officer made the following points:

- i. Considered Waitrose to be the closest business to the application providing off sales.

- ii. Charlie's Coffee Company (pizzeria / café) opposite the application provided on sales of alcohol.
- iii. Possibility the Snug public house (currently closed) on East Road would re-open and offering on sales.
- iv. There was also a member only sports and snooker bar (WT's Sports Bar) which offered on sales of alcohol.
- v. Confirmed that Tesco Express on East Road currently did not hold a licence to sell alcohol.
- vi. Clarified that the application was for off sales only (there had been a mistake by the applicant when completing the application).

Mr A Nath made the following points on behalf of his father (the applicant).

- i. All the necessary precautions as highlighted by the Police had been put in place and had taken advice from the City Council.
- ii. The Police had made no further objections now their conditions had been met.
- iii. All staff would be trained to conduct challenge 25 check.
- iv. The applicant had fifteen years' experience of selling alcohol in another store which he owned; Mr A Nath himself was a license holder for the past five years in the same store.
- v. There was a market to sell alcohol as was consistently asked by the public if they sold alcohol.
- vi. CCTV would be used to monitor the outside space and any issues would be reported and dealt with.

Mr A Nath made the following points in response to Members' questions:

- i. Had accepted the condition to start the sale of alcohol at 11.00am until 8.00pm.
- ii. Responsibilities of meeting the licensing objectives were to ensure that there was no crime due to the sale of alcohol.
- iii. Would monitor any noise pollution and anti-social behaviour to ensure that immediate neighbours were not affected.
- iv. CCTV would be used to guard the area and staff would be trained in the sale of alcohol.

Councillor Bick (Market Ward Councillor) who had made a written representation addressed members with the following points:

- i. Highlighted why the application was in a sensitive location,

- a. In area where a large amount of rough sleeping took place, with those individuals begging in the daytime (primarily Burleigh Street and East Road).
 - b. Close to Jimmy's Cambridge (providing help to people experiencing homelessness).
 - c. On the route from the city centre to the GP's access surgery catering for people living on the street; this was also a meeting point for street life individuals, the location had a history of anti-social behaviour and public nuisance.
 - d. There were individuals who slept rough who were dependent on alcohol and or other drugs, some suffered with mental ill health.
 - e. There had been occasion when there was boisterous and sometime intimidating behaviour and waste being left on the streets.
- ii. The application was in an area where there was a heavy foot fall and cycle use between Petersfield and the City Centre. It was also used by primary school children to and from St Matthews Primary School.
 - iii. The licensing policy defined a cumulative impact area which included the location of the application. Anti-social issues from members of the street life community was a prominent factor why a cumulative impact area had been approved.
 - iv. The status of a cumulative impact area should indicate that the sale of the alcohol should not be permitted unless the applicant demonstrated why the operation would not add to the cumulative impact. Believed in the application there was little information to address this issue.
 - v. The application showed no acknowledgement their premises was in a cumulative area which had been highlighted by the Police with their recommended list of additional conditions.
 - vi. Suggested the sale of alcohol would intensify the issues that the cumulative impact area was trying to address; the additional conditions would not resolve this.
 - vii. Members should be aware that there had been a series of applications in this locality for off sales of alcohol which had been rejected over several years. These applications had demonstrated an awareness of the cumulative impact area and were of much higher standard than the application before members for their consideration.
 - viii. The Duke of Cambridge Pub was also on East Road.
 - ix. Suggested the sub-committee to refuse the application.

The Senior Technical Officer highlighted to members the written representation from Councillor Martinelli contained within the agenda pack.

Summing Up

Mr A Nath made the following points:

- i. Had not experienced or witnessed any anti-social behaviour in or outside the premises.
- ii. Would be able to see via CCTV if alcohol was being brought for other people and this would be not be permitted.
- iii. Had previous experience of selling alcohol and dealing with anti-social behaviour.

Members withdrew at 11:45am to consider their decision. Members received legal advice on the wording of the decision.

Decision

The Licensing Sub Committee refused the licence subject to the following conditions.

- i. The premises are in a Cumulative Impact Zone and this was not sufficiently addressed in the application. The additional conditions did not sufficiently address this
- ii. The premises are near to Jimmy's Assessment Centre and the Cambridge GP Access Surgery for the Homeless.
- iii. The premises are near to a primary school
- iv. The area is associated with street begging and anti-social behaviour
- v. The application did not sufficiently address the licensing objectives

The meeting ended at 11.45 am

CHAIR