

LICENSING SUB COMMITTEE

13 December 2021
10.45 am - 2.20 pm

Present: Councillors Bennett, Collis and McPherson

Officers

Senior Technical Officer: Alex Beebe

Senior Technical Officer: Luke Catchpole

Legal Adviser: Paul Weller

Committee Manager: Claire Tunncliffe

Present for the Applicant

Applicant: Mr Dilip Bathula

Applicant's Representative: Mr Stewart Gibson, SG Licensing Ltd

Other Persons

Councillor Tim Bick (Market Ward Councillor)

FOR THE INFORMATION OF THE COUNCIL

21/10/Lic Appointment of a Chair

Councillor McPherson was appointed as Chair for the meeting.

21/11/Lic Declarations of Interest

No declarations of interest were made.

21/12/Lic Meeting Procedure

All parties noted the procedure.

21/13/Lic Best One Express

The Senior Technical Officer advised the Committee that on page 10 of the agenda pack, paragraphs 2.1, 5.1 and 6.1 where it was referenced Cambridge City Council Statement of Licensing Policy should be followed with 'and the Cumulative Impact Assessment'.

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

Applicants Presentation

In response to the questions raised to the presentation the Applicant and the Agent said the following:

- i. Confirmed the reduction in trading hours to sell alcohol was now 11:00am to 8:00pm.
- ii. Had agreed to the conditions proposed by Police representatives.
- iii. The applicant had been in the retail industry since 2007 and was a Designated Premises Supervisor (DPS) with experience of selling alcohol at another location.
- iv. Was aware of the responsibility that the sale of alcohol brought to the premises.
- v. The location of the chiller cabinet shown on the plan in the agenda pack had changed.
- vi. The chiller cabinet was now against the back wall. The counter had been extended to close off the back of the premises where the alcohol would be displayed as recommended by the Police representative.
- vii. All alcohol would be displayed behind the counter and would be purchased upon request.
- viii. The counter would be locked, and a panic button had been installed.
- ix. Agreed to install as a security screen around the counter as recommended by the Committee if the application was approved.
- x. There would be two staff members during licensing hours, one on the shop floor and one behind the counter; usually there was just one staff member.
- xi. The majority of customers who purchased goods from the premises were regulars.
- xii. If a customer were aggressive, they would be refused the sale of the alcohol.
- xiii. There was no exit route behind the counter, but staff could lock themselves in the bathroom if needed.
- xiv. Many of the street life drinkers who used the specialist support centre (Willow Walk hostel) for the homeless nearby had been banned from the premises.
- xv. Would agree to staff undertaking conflict management training if the application were approved.

Approval of the application did not set a precedent; the application should be considered on its own merits.

The Senior Technical Officer requested a copy of the new layout of the plan to show the latest location of the chiller cabinet and the extension of the counter.

Ward Councillor

Councillor Bick (Market ward) said the following:

- i. If the Committee were minded to grant the application the additional conditions discussed should be noted and agreed by the applicant which were as follows:
 - The reduction of licensing hours from 11:00am to 8:00pm referenced in the presentation were not the same as those shown in the application.
 - The installation of security screen.
 - Two staff members on the premises during the licensing hours.
 - Training for staff including conflict management.
- ii. The application had failed to address the Cumulative Impact Policy; the conditions presented had not been put forward by the applicant but Police representatives.
- iii. The Cumulative Impact Policy assumed that applications for new premise licences in the area would be refused if relevant objections could be rebutted. The application had made no case except on economic grounds which was not a criteria
- iv. The application was in an area of intensive rough sleeping, street begging would be often used to fund additions including alcohol.
- v. Street life beggars was drawn to areas where the sale of alcohol was permitted.
- vi. The nearby hostel to the premises was there to assist the most vulnerable and the high support needs of the street life community.
- vii. The location of the premises was at the end of the row of commercial properties next to a densely residential populated area.
- viii. The impact on anti-social behaviour on children should also be considered, with local schools nearby. The area was busy and compact.
- ix. Queried whether the business would have the capacity to support the expansion, manage the number of people and the conflict that the application would bring.
- x. The Cumulative Impact Area did not mean that there would be no licences granted in that area; did not object to all applications that were brought to Committee.
- xi. The fact that the application was from a small business should not be a factor.
- xii. This location could do without another sale of alcohol off the premises.

Summing Up

The Senior Technical Officer said the following:

- i. Confirmed the licensing hours of 11:00am to 8:00pm.
- ii. Referred to option 5 of the Officer's report of the public agenda pack which stated the following:

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.
- iii. Members should take such steps that they consider are necessary for the promotion of the licensing objectives.

The Applicant's Agent concluded:

- i. If the Police representatives had any concerns with the application, they would be present at the meeting today.
- ii. The Police representative were satisfied that by implementing their suggested conditions which the applicant had agreed to, that the licensing objectives would be met.
- iii. Would be happy to implement the additional conditions recommend by the Committee.
- iv. The twenty-eight-day consultation process for the application had been used by the Applicant to communicate with the local authority and relevant parties. This had concluded in an amended application which was fit for purpose.
- v. The application would allow just 10% of the selling space of the premise to alcohol. This would not increase the customer base to such a point that it would have a detrimental effect to the local area.
- vi. The application would allow the business to increase the product range to existing customers.

Following advice form the legal officer concerning the consideration of the application that the committee were to consider the application on its individual merit. The Chair closed the meeting at 12.15pm

Decision

To refuse the application on the ground there was not sufficient reason to make an exception from the Licensing Policy and Cumulative Impact Assessment.

Our reasons for reaching the decision are as follows:

1. The conditions agreed with the Police and those proffered at the meeting were not sufficient to address the Cumulative Impact Assessment.
2. Not enough provision has been made to address the four licencing objectives.
3. Insufficient assessment by the applicant to provide for the safety of the staff and customers considering the size of the premises.

The meeting ended at 2.20 pm

CHAIR