

**LICENSING SUB COMMITTEE**

21 June 2021  
10.30 am - 2.40 pm

**Present:** Councillors Bennett, Dryden and Page-Croft

Ward Councillor: Councillor Robertson

**Officers**

Senior Technical Officer: Luke Catchpole

Legal Adviser: Paul Weller

Committee Manager: Claire Tunncliffe

**Present for the Applicant**

Agent: Richard Arnot, Ward Hadaway LLP

Co-op Area Manager: Mark Walker

**Other Persons**

Police Sargeant Stevenson

Police Constable Metcalf

3 Members of the public.

<b>FOR THE INFORMATION OF THE COUNCIL</b>
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**21/9/Lic Appointment of a Chair**

Councillor Dryden was appointed as Chair for the meeting.

**21/10/Lic Declarations of Interest**

No declarations of interest were made.

**21/11/Lic Meeting Procedure**

All parties noted the procedure.

**21/12/Lic Mill Road Co-Op**

The Licensing Enforcement Officer presented the report and outlined the application.

In response to a question from Councillor Page-Croft, the Licensing Enforcement Officer stated as this application had been submitted on 22nd February 2021, the previous version of the Statement of Licensing Policy needed to be used when determining this application. Not the Statement of Licensing Policy and the publication of a separate Cumulative Impact Assessment approved by Full Council on 1 March 2021.

Confirmed the Cumulative Impact Assessment agreed by Full Council on 1 March 2021 was very similar to that of the previous Assessment.

### Applicants presentation

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

- i. The proposed conditions put forward by the applicant were in response to discussions with Police representatives and were unique to this application.
- ii. There was a Co-op at 177 Mill Road which had been on this site for many years; the conditions on this premises would not be the same as other premises on different locations.
- iii. An independent company, Mighty, supplied security and CCTV to the Co-op, which was a long-standing contract. This indicated there were no issues and the Co-op were happy to continue this arrangement.
- iv. All security guards were SIA (Security Industry Authority) accredited.
- v. Noted the comments made a member of the public that the Co-op, 177 Mill Road, was not 200 yards as stated but half a mile away.
- vi. Would agree to the Police recommendation that all spirits would be displayed behind a secure glass cabinet.

### Police representative presentation

In response to the questions raised to the presentation the Police Representatives said the following:

- i. There were several premises along Mill Road that sold alcohol.
- ii. The Police were aware that these premises sold alcohol to street life drinkers, but this was not an offence unless the buyer was intoxicated.

- iii. Had undertaken joint working with Cambridge City Council Licensing and Enforcement Officers to advise licenced businesses of the impact of selling alcohol to street drinkers.
- iv. It was possible that those selling alcohol may not know who the vulnerable individuals were and who was purchasing alcohol to consume on the streets.
- v. The inclusion of the SIA condition would be the first line of defence and because of this the applicant was in a better position to deal with street life drinkers.
- vi. Was aware of the amount of concerns raised by the public that was not on the Police system (non-reporting incidents) concerning street based anti-social behaviour (ASB).
- vii. Incidents of ASB did increase around Mill Road compared to other areas of the City. These issues were raised on a regular basis at the City Council's East Area Committee and received frequent e-mails from Councillors on these issues.
- viii. Mill Road was also part of the night-time economy which brought additional issues to the Police.

#### Ward Councillor

Councillor Robertson (Petersfield ward) said the following:

- i. Up until 2015 there had been serious levels of anti-social behaviour incidents relating to alcohol abuse on Mill Road.
- ii. The City Council undertook two steps to reduce these issues with the introduction of a Cumulative Impact Zone and a Public Space Protection Order.
- iii. The effectiveness of the Cumulative Impact Zone had been shown by the decrease in reported incidents on Mill Road. However, there was still a problem with drink related associated anti-social behaviour that took place in a predominantly residential area.
- iv. One side of Mill Road was housing and the other side businesses, but every street off Mill Road was residential.
- v. Residents of Mill Road were concerned with the abuse of alcohol and associated incidents and behaviour that took place in the area.
- vi. The additional conditions which the applicant had put forward as agreed with the Police were like the Tesco re-application which was refused.

- vii. The additional conditions put forward by the applicant were not enough. There were a core group of individuals who would steal or buy alcohol to drink in the street causing anti-social behaviour regardless of what conditions were in place.
- viii. The views of the Police should be taken into consideration as these were the people in the community and dealt with those who abused the drinking of alcohol in public.
- ix. Mention of the Sainsbury store on Mill Road was referenced which held a premise licence by the applicant; the company had done so by purchasing the store from the previous owner with the existing premises licence.
- x. Once a premise was granted a licence this would be retained by the current owners if compliant with the law and sale of alcohol.
- xi. Had informed the Co-op of how an application should be obtained (Sainsbury example) when spoken to some months previous.
- xii. The point of the Cumulative Impact Zone was to stop the issuing of additional licences within that zone.
- xiii. If the application were accepted this would increase the risk of Mill Road returning to the problem area it once was.
- xiv. An application by the International Store on Mill Road was turned down a year ago as it was agreed no additional licences should be granted for the sale of alcohol.
- xv. If an additional licence were granted this would cause harm to the area.
- xvi. The City Council's Cumulative Impact Policy was in place for the prevention of crime and disorder, public safety, and the prevention of public nuisance.
- xvii. The Cumulative Impact Policy would be harmed if the application were granted.
- xviii. Residents deserved not to have their lives disrupted and be surrounded by intoxicated individuals and associated anti-social behaviour.
- xix. Asked the panel to consider the refusal of the application.
- xx. Fifty residents had taken the time to put forward their representations in objection to this application.

The Licensing Officer advised the Committee that the application should be considered on its individual merit and not previous decisions that had been made.

Members were advised the Fine Fare store which had stood on the site previously had held a licence, but this had gone. Licensing only became a local authority responsibility in early 2000's.

### Other Persons

A member of the public made the following points in addition to their written representation.

- i. A strong feeling from residents was that the Cumulative Impact Zone was an important component of dealing with alcohol related issues.
- ii. Mill Road was an area frequented by street life individuals for several reasons which included:
  - a) Those who used the drug and alcohol service at Brookfield Hospital; many of whom had a long-term heroin addiction.
  - b) A needle exchange service on Mill Road; the work of the drug and alcohol services were welcomed and could be effective for some.
  - c) The Housing Shelter Jimmy's had become more than a night shelter offering a range of services.
  - d) Prescribed methadone made the individuals very thirsty; this thirst was a reason for begging.
  - e) Students from Anglia Ruskin could be very generous with their money to street life individuals.
- iii. The issue of street life drinkers on Mill Road was complex.
- iv. Had witnessed various associated anti-social behaviour ranging from urinating, fighting, injecting of drugs and robbery from excess alcohol consumption.
- v. The Police had referred to this application being opposite and close to open spaces, such as Mill Road Cemetery, Ditchburn Gardens and one of the few play areas in Petersfield Ward. All these areas experienced large groups of anti-social behaviour.
- vi. It was a myth that street life drinkers could not afford premium beers and lagers.
- vii. The Cumulative Impact Zone had to make a difference and should be maintained.
- viii. Not good enough to say that once individuals had left the store, they were no longer the responsibly of the store owners. The issues raised

were the responsibility of everyone from the store owners, the public, Police, and various external agencies.

- ix. To approve the application would reinforce that the associated anti-social behaviour was acceptable.
- x. With regards to the mentioned Sainsbury's application, the store had reduced in size.
- xi. The Committee had been advised that drug taking would not be increased with the sale of alcohol, but this could not be taken as a guarantee.
- xii. The approval of the application would mean a step back from the improvements made in the area.

A second member of the public made the following points in addition to their written representation.

- i. Despite all the issues experienced on Mill Road, the area was vibrant, had a sense of community spirit and neighbours were supportive of one and other.
- ii. The Co-op had a reputation of being part of the community and working with the community, but representations supplied to the Co-op had not been replied to.
- iii. The Cumulative Impact Assessment had only been renewed this March as this proved to be effective.
- iv. Appreciated the measures that had been put forward by the applicant; but once the alcohol had been sold the applicant could not control the problems that which residents experienced and had been highlighted.
- v. If the application were approved, what message would this send to other business owners just after the renewal of the Cumulative Impact Assessment.
- vi. A local business had planned to extend its premises licence but after speaking with residents had withdrawn their application as they understood the issues that the community experienced caused by the sale of alcohol.
- vii. It would be a bad message to approve the application, the sub-committee should be sensitive to the issues raised who live in the area.

A third member of the public made the following points in addition to their written representation:

- i. Supported all the comments from the public speakers and Ward Councillor.
- ii. The application would be on Covent Garden which was a residential street, directly opposite the entrance to Mill Road Cemetery. The Cemetery was a hub of anti-social behaviour from drug and alcohol taking.
- iii. The impact of anti-social behaviour on children should also be considered which was an important factor.

### Summing Up

The Licensing Enforcement Officer said the following:

- i. Referred to option 5 of the Officer's report in 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.
- ii. Members should take such steps that they consider were necessary for the promotion of the licensing objectives.

The Applicant's Agent concluded:

- i. This was a local referendum whether the application could be granted or not.
- ii. The decision should be based on policy and evidence.
- iii. The evidence in terms of statistics did not reflect the impact of street drinking that had been highlighted.
- iv. The Sainsbury's application referenced had extended their licencing hours. The application was approved in 2015 yet reported incidents had dropped in the area.
- v. The application had shown awareness of the issues in the area which had been discussed with the Police; the additional conditions were a consequence of this.

- vi. A Co-op store had been on Mill Road for a long period of time so did understand the makeup of Mill Road.
- vii. The application had been tailored to meet the concerns raised by residents.
- viii. Approval of the application did not set a precedent; the application should be considered on its own merits.

Following advice from the legal officer concerning the consideration application, the Chair closed the meeting at 1.10pm to consider the application in private.

### Decision

To grant the licence subject to the mandatory conditions and those conditions offered by the applicant (as outlined in pages 25&26 of the public agenda pack) and modified below (additional text underlined, and deleted text ~~struck through~~):

- i. No single cans or bottles of beer, cider, lager shall be sold at the premises, except specialist branded premium priced products or products agreed by the Police.

#### **Our reasons for reaching the decision are as follows:**

Although the premises is within a Cumulative Impact Zone the conditions offered by the applicant agreed with the Police, the Licencing Authority is satisfied that the operation of the premises involved will not add to the impact of the Cumulative Impact Zone already being experienced.

The meeting ended at 2.40 pm

**CHAIR**