

**LICENSING SUB COMMITTEE**

3 June 2024  
10.00 am - 2.15 pm

**Present:** Councillors McPherson, Pounds and Wade

**Officers**

Environmental Health and Licensing Support Team Leader: Luke Catchpole  
Legal Adviser: Elizabeth Lanlehin  
Committee Manager: Sarah Steed  
Meeting Producer: Chris Connor

**Present for the Applicant**

Applicant's Representative: Jeremy Bark  
Tesco Store Manager (East Road): Mr Bunting  
Licensing Consultant: Mark Halton  
Tesco Licensing Manager: Hardish Purewal

**Other Persons**

Ward Councillor: Richard Robertson

<b>FOR THE INFORMATION OF THE COUNCIL</b>
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**24/14/Lic Appointment of a Chair**

Councillor McPherson was appointed as Chair for the meeting.

**24/15/Lic Declarations of Interest**

No declarations of interest were made.

**24/16/Lic Meeting Procedure**

All parties noted the procedure.

**24/17/Lic Tesco, East Road, Premises Licence**

An application under section 17 of the Licensing Act 2003 to apply for a Premises Licence for the sale by retail of alcohol with respect to Tesco, 172 East Road Cambridge CB1 1BG was received from Tesco Stores Limited. The Environmental Health and Licensing Support Team Leader presented the report and outlined the application.

### Applicant's Representative

- i. Tesco Express stores were the smallest format of store Tesco operated:
  - a. This type of store was to service those living or working in the local area and were typically looking to purchase their next 2 -3 meals.
  - b. The type of alcohol sold in these stores was carefully considered. The majority of the offer was red and white wine, a limited spirit range (5-6), beers, lagers and ciders. Unless it was a craft beer, these would not be sold in less than 4 packs. This was done with the consideration of street drinking.
- ii. Tesco tended to introduce measures regarding the retail sale of alcohol which other companies followed.
- iii. Several things had changed since the last premises licence application was made:
  - a. During the covid pandemic several customers had commented that they were disappointed that the store did not sell alcohol.
  - b. Other Tesco stores had been granted premises licences i.e.: at Christ Lane in 2019 and Petty Cury in 2022. Both stores had limited licensable hours and extensive conditions and the Police as responsible authority had not objected to them. These stores could be considered to face more challenges being in the city centre. In advance of the meeting the applicant checked with the Licensing Team who had advised that both stores had no record of complaints against them.
  - c. Tesco had employed a Licensing Consultant (who had previously worked in the Police with extensive experience in Licensing and a number of qualifications in crime prevention) to undertake research / observations prior to the submission of the application. The observations were undertaken to whether if the premises was granted a premises licence if it would be likely that it would add to the cumulative impact. This led to discussions with the Police who indicated that that they would be comfortable with an application provided all conditions were met.
- iv. A premises licence application was submitted and none of the statutory authorities objected to the application; these being the responsible bodies who would deal with issues that might affect issues of cumulative impact.

- v. There was a historical relationship between Tesco's Licensing Manager and Jimmy's. Discussions had taken place regarding the licensable hours and appropriate conditions. Jimmy's had not objected to the application.
- vi. The local school had not objected.
- vii. The licensable hours applied for had had regard to the location of the premises.
- viii. Tesco operated a 'Think 25' policy and were the first to introduce age limits on the purchase of alcohol. A till prompt in relation to the 'Think 25' policy would arise on any sale of alcohol. The till would generate a prompt to help employees to know what a person's birth date would be if they were 18 on that day.
- ix. Audits would be undertaken regarding sales of alcohol. Tesco Express stores would be mystery shopped every quarter. Results would be given to the store manager, the Tesco Licensing Manager and would be shared with the Police if they wanted to see them.
- x. Tesco had an internal policy 'Safe and Legal' which amongst other things ensured checks were undertaken to ensure stores complied with conditions attached to their premises licence.
- xi. Every member of staff had an induction session which included training on the retail sale of alcohol and staff were not able to work on the shop floor until they had had this training. Refresher training was also given.
- xii. Staff were trained to refuse the sale of alcohol where they had any concerns. Staff would be supported in their decisions by Managers under a Tesco 'You say no we say no' policy.
- xiii. 95% of sales of alcohol were linked to the sale of other goods.
- xiv. There was CCTV in stores. Some CCTV cameras would be fixed, and others would be able to move around. There would also be bodycams, there would be 4 in this store given in order of priority to security guard, check out assistants and the duty manager.
- xv. All staff had headsets so they could communicate between each other.
- xvi. Alcohol displays were not located near the main entrance but would be in view of the checkouts.
- xvii. Condition 5 regarding security guard presence on site when licensable activities were taking place had been agreed with the Police.
- xviii. The store had a management team of 5 and 12 other members of staff.

- xix. Anti-social behaviour would not be tolerated. Anyone causing a nuisance would be asked to stop, if they don't stop, they would be asked to leave if they didn't leave, then the Police will be called. The individuals would be banned from the store.
- xx. A 'Hub' system had been set up by Tesco, which provided security 24/7. The Hub could remotely log into the store to check CCTV cameras, close doors, dispatch security guards or call the Police. There were also local mobile security guards (there were 3 in Cambridge) who could assist as / when necessary.
- xxi. Referred to the Cumulative Impact Assessment which had changed:
- a. Referred to appendix 4 on p2 – and a statement from the Police that in general alcohol related crime incidences had decreased across the city by 14.9%.
  - b. Looked at market ward on p4 – noted a significant decrease in the number of crime related incidences.
  - c. Referred to the heat map on p5 and noted most of the incidences were in the city centre and away from East Road. The policy talked about the times of the incidences occurring and the impact on Police resources and the time they tended to occur was late at night between 11pm – 5am on Friday and Saturday nights.
  - d. Referred to the conditions offered with the application (p61 of the agenda) and noted that they were largely in line with those agreed for Christs Lane and Petty Cury stores particularly:
    - i. Condition 4 referred to body worn cameras.
    - ii. Conditions 7 and 8 dealt with ABV and cider products thought to be attractive to street drinkers.
    - iii. Condition 10 – stated that there would be no self-service of spirits.
    - iv. Condition 15 – stated that no more than 15% of the trading floor was to be given over to the display of alcohol (the store proposed to use less than 5%).
    - v. Condition 16 – where alcohol was available for self-selection it had to be displayed in lockable cabinets so that alcohol was locked away outside of the licensable hours.
- xxii. The store did not have a lot of problems with street drinkers. If street drinkers congregated outside the store either the store manager or

security guards would move them on. The store could go some time without street drinkers congregating outside the store.

- xxiii. Responses provided by the Licensing Consultant:
- a. Had previously worked for the Metropolitan Police for over 30 years. Had worked in the Clubs and Vice unit. Had set up and ran the Westminster Police Licensing Team. Was seconded as the Police National Lead to the Home Office and ran the 'Intensive Support Visit system'. Would visit various places to look at their cumulative impact policies and how they were policed and regulated. The secondment involved working on the Olympics in 2012 and Rugby World Cup 2015. Was a qualified Crime Reduction Officer and Crime Prevention Design Advisor. Could offer an opinion better than most.
  - b. Carried out 7 observations for the site in November and December 2022. Had also undertaken 2 further visits the week before the Licensing Sub Committee meeting. Had looked at East Road and the surrounding area in view of the comments and representations made.
  - c. Visited Christ's Lane and Petty Cury Tesco stores covertly to see whether the store was complying with the premises licence conditions, which it was.
  - d. Following both sets of observations, did not feel it was likely that the proposed licensable activity would have a negative impact on the cumulative impact.
  - e. In their opinion issues arose about the type of alcohol being sold, ie: high ABV and large bottles of cheap cider. Tesco's did not sell cheap cider in either the Christ's Lane or Petty Cury stores.
- xxiv. Noted there was a cumulative impact policy in place and referred to paragraph 4.14 – 'As an absolute. The assessment shall always allow for the circumstances of each application to be considered properly and for applications that are unlikely to add to the cumulative impact on the licensing objectives to be granted'. Noted the Council's policy was like Government Guidance (s182 Guidance at paragraph 14.44).
- xxv. Referred to paragraph 9.12 of the Government Guidance which dealt with responsible authorities and noted that none of them had objected to the current application.

- xxvi. Referred to caselaw and the weight which could be given to Police responses, including a lack of objection.
- xxvii. Asked the Sub Committee to grant the application as applied for.

### Member Questions

Mr Bunting made the following statements in response to Members' questions:

- i. In the scenario where a group of people (over 18 years) sought to buy alcohol, but they appeared to be inebriated, they would ask the security guard to accompany them to the group and refuse the sale. The group would be asked to leave the store. If the group refused to leave the store, would ask the security guard to assist them, if the group refused to leave the store, then they would contact the police.

The Environmental Health and Licensing Support Team Leader confirmed that they had been involved in the recent work regarding the review of the Cumulative Impact Assessment Policy (see report to the Licensing Committee January 2024).

The Licensing Consultant advised that they did not liaise with the community when they were carrying out their observations.

The Applicant's Representative advised:

- ii. That 80% of Tesco's stores had security at some point during the year.
- iii. Each Tesco store carried out a security assessment every 8 weeks and implemented security arrangements based on those assessments. This could mean that more security guards were employed or for a longer period than that required by a premises licence if the outcome of the security assessment if it was necessary.
- iv. If an incident happened within a store, the security would be reviewed in addition to the 8-week security assessment.
- v. Security arrangements were put in place for several reasons, including staff safety and staff feeling safe.
- vi. When Tesco looked at opening a store, they would consider a vast amount of data including crime statistics.
- vii. There were 17 members of staff in the store; 5 management team, and 12 other staff members. At busy times there would be 5-6 members of staff on site. Rotas would be carefully considered by the store manager.
- viii. In response to a question regarding public safety:

- a. Noted there was varying interpretations of the term 'public safety' but that in relation to the Licensing Act 'protection of public safety' meant within the premises.
  - b. The issues which had been raised could more likely be attributed to crime and disorder / public nuisance. Taking into consideration all the measures which had been spoken about, once alcohol had been legitimately purchased there was a limit to what the store could do once the alcohol left the premises. Referred to crime statistics and noted that Tesco doesn't have more incidences than other businesses but Tesco proactively reported any concerning behaviour to the Police to help support the community. Unfortunately, the crime report would be tagged with Tesco, even though it was not an incident in the store and you would need to read through the crime data to understand this distinction.
  - c. The Licensing Consultant added that the type of alcohol sold within a premises was important. The type proposed would not be attractive to those who caused anti-social behaviour. Did not think there would be a negative impact on the cumulative impact.
  - d. There was not one single answer to the issue, there was a web of considerations, which had been talked about earlier in the meeting.
  - e. Tesco's Licensing Manager confirmed that any complaints would be taken seriously, and they would work with residents if issues arose. Tesco would work with the Police. If someone was seen to be buying alcohol for someone underage, that person would be banned from the store.
- ix. In response to a question about what part the store had played with the community:
- a. A noticeboard had been provided.
  - b. The premises licence application arose because of comments during covid that people would have liked to have been able to purchase alcohol from the shop.
  - c. Engagement had taken place between Tesco Licensing Manager and Jimmys.
  - d. When the store first opened, there were trolleys available outside, however in response to concerns raised by residents that the trolleys were being used inappropriately they were removed.
  - e. In part due to concerns expressed by residents, Tesco engaged with street drinkers and asked them to move on.
  - f. Noted donations to local organisations including Brownies, schools, Blue Smile project, Romsey Mill School readers.

- g. Were happy to attend meetings with ward councillors / local residents but noted that there was a balance and not all residents would want to attend meetings.
- x. In response to the comments referred to in the representation referred to on p36 of the agenda pack. Commented that they did not agree with the comments made in the representation. It could be the case that Tesco has not engaged with this resident.
- xi. If the premises licence was approved, the security guard requirement would be enshrined by condition 5.

### Ward Councillor – Councillor Robertson

- i. The map sent in with his representation hadn't printed correctly, the red arrow pointed to the wrong point. Circulated a corrected plan. The map was taken from the Cumulative Impact Assessment Policy.
- ii. Although the premises was in the city centre / cumulative impact zone, it faced Petersfield ward and he was a Petersfield Ward Councillor.
- iii. Noted the Cumulative Impact Assessment Zone had recently been renewed (February 2024) and noted below the map in the report it stated that although there had been a decrease in recorded alcohol related incidences, respective crime rate increased. Questioned if this was due to the streamlining of crime recording by the Police mentioned in the report.
- iv. Did not believe the applicant had demonstrated that the granting of the premises licence would not make the situation worse.
- v. Noted problems arose outside of the store and residents reported their concerns to councillors.
- vi. Referred to the number of licences issued in the city centre and the number in Petersfield ward compared with other wards.
- vii. Referred to the objection's residents had raised to the premises licence application.
- viii. Noted the Police supported the Cumulative Impact Assessment (CIA). Read an extract from the Area Commander of Cambridge Police which said that the CIA was necessary and proportionate. Commented that although the Police had not objected to the application, they had supported the renewal of the CIA.
- ix. Noted the original application had not included security provision, this came because of Police comments.
- x. Residents had long experience of anti-social behaviour in the area.
- xi. Asked the Committee not to grant the application.

### Summing Up



The Applicant's Representative made the following points:

- i. Whilst had talked about what happened within the store this was not the end of the picture. Had given examples of other steps which had been taken for example employing a licensing consultant to observe and assess any impact of the application.
- ii. They had liaised extensively with the Police. If the Police had any concerns with the application, they would have submitted an objection.
- iii. Referred to paragraph 4.14 of the Cumulative Impact Assessment (CIA), commented that they disagreed with what had been said during the meeting by the ward councillor and that the application was consistent with the CIA.
- iv. Applications which were unlikely to add to the cumulative impact should be granted. Noted no objections had been made by the statutory authorities. Referred to evidence from the store manager and the licensing consultant. The test that the application would be unlikely to add to the cumulative impact had been met. Hoped the application would be granted.

Members withdrew at 11:40 am and returned at 11:54am.

Members noted Councillor Robertson had referred to a copy of comments made by the Area Commander of Cambridge Police in response to the review of the Cumulative Impact Assessment Policy and that they wanted to see a copy of this. [Response from Cambridge Constabulary - Licensing Committee 29 January 2024](#)

Members also asked to be provided with a copy of the Licensing Sub Committee paperwork for the other Tesco stores referred to during the meeting.

[Agenda for Licensing Sub Committee on Monday, 4th February, 2019, 1.00 pm - Cambridge Council](#)

[Agenda for Licensing Sub Committee on Monday, 3rd June, 2019, 10.30 am - Cambridge Council](#)

The Environmental Health and Licensing Support Team Leader advised that the Petty Cury Tesco licence was not brought before a Licensing Sub Committee as no objections were made to the application. He also reminded the Sub Committee that each application should be determined on their own individual merits.

Members withdrew again. Whilst retired, and having made their decision, Members received legal advice on the wording of the decision.

### Decision

The Sub Committee resolved to refuse the application.

Reasons for reaching the decision were as follows:

1. The Applicants have not shown that the granting of the licence would not negatively affect the Cumulative Impact Zone.
2. The Sub Committee relied on the Area Commander's comment that: "It is my view that the Cumulative Impact Policy is both necessary and proportionate to prevent crime, disorder, and nuisance, promote public safety and prevent children from harm. Unfortunately, violent crime and alcohol related anti-social behaviour remains a significant issue for both the Police and Local Partners to address. We continue to spend considerable time, effort and resource tackling this. The Special Policy on Concentration of Premises is seen as a vital tool in preventing further escalation of crime and disorder levels".
3. The security provisions by the premises are indicative of a higher security risk associated with the sale of alcohol, which in itself would not meet the four licensing objectives.
4. There were representations from local residents and local ward councillors, from cross parties. In particular it had been reported that there were incidents of public nuisance and disorderly behaviour in the local children's play ground, as referred to by ward councillors and residents' representations.
5. With the premises being opposite the primary school, the premises proposed licensing hours coincided with the majority of the school day.
6. There are also vulnerable persons in the vicinity (from Jimmy's night shelter) and this could increase incidents of anti-social behaviour.

The meeting ended at 2.15 pm

**CHAIR**