



RECORD OF DECISION: APPLICATION UNDER LICENSING ACT 2003

Licensing Sub-Committee
Date: 3rd May 2024

Members:

1. Cllr McPherson (Chair)
2. Cllr Wade
3. Cllr Pounds

To consider an application under Section 17 of the Licensing Act 2003 submitted by Tesco, 172 East Road, Cambridge, CB1 1BG, for a premises licence for the sale by retail of alcohol.

We heard representations from the following persons:

1. The Applicants:(1) Hardish Purewal, Tesco Licensing Officer (2) Matt Bunting, Tesco Store Manager, Mark Halton, Licensing Consultant.
2. The Applicant's representative: Mr Jeremy Bark, BCLP
3. Interested Parties

The reason you appeared before the Sub-Committee:

To determine an application for a premises licence for the sale by retail of alcohol. The Application was received on 12 April 2024. In accordance with the regulations of the Act, the application was advertised on the premises and in Cambridge News on 19th April 2024 to invite representations from responsible authorities and other persons. The last date for submitting representations was 10th May 2024.

Sale by retail of alcohol (Consumption off the premises)

Monday to Sunday 11:00-20:00

The Sub Committee had to decide whether to grant or refuse the Application.

In making our decision we considered the following:

List:

*Cumulative Impact Assessment 2024/Police Consultation Response 13
October 2023*

Statutory provisions (Licensing Act 2003)

Statutory Guidance

*Cambridge City Council's Statement of Licensing Policy
Reports*

Advice from Legal Officer

Representations from the Applicant

Representations from Councillor Robertson

Representations from members of the public

Representation from Ward Councillors

We found the following facts:

1. The premises is located at a Cumulative Impact Zone.
2. The Premises is located in a predominantly residential area opposite to a school.
3. The Licensing objective of protecting children from harm is relevant due to the school opening times. There have been representations relating to incidents at the children's play areas.
4. Although there are no direct objections from relevant authorities, in particular the police, there are objections from a number of ward councillors and local residents. More importantly is the fact the Police (Area Commander) had made a report in the Licensing Policy Consultation Response in October 2023, stating 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".
5. The Applicants have not had direct consultation with local residents in line with their own policy.

6. The Waitrose application that was granted, had significantly less residential impact because of its location and it is not opposite a primary school.
7. The Application that was granted to the Tesco Store at Petty Cury received no representations.

We did not consider the following matters to be relevant:

1. Information on different Tesco Stores at different locations are not relevant as documented above.
2. Anecdotal evidence from Mr Mark Halton.

Our reasons for this are:

1. Different locations have different impact on the licensing objectives.
2. The observations of Mr Halton were covert and there was no engagement with the local residents.

Where Members have given more weight to the evidence of one witness over that of another they should say why.

More weight was given to the Representations of the Local Residents and the local ward councillors.

Our decision is as follows:

The Application is refused.

Our reasons for reaching the decision are as follows:

1. The Applicants have not shown that the granting of the license would not negatively affect the Cumulative Impact Zone.
2. We rely 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 have also been representations from local residents and local ward councillors, from cross parties. In particular it has 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 coincides 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.

Signed
Councillor McPherson
Councillor Pounds
Councillor Wade

Dated 3 June 2024

The applicant or those who made a relevant representation has the right of appeal to a Magistrates Court within 21 days from the date of this decision notice by contacting: Cambridge Magistrates Court, St Andrews Street Cambridge, CB2 3BJ