

LICENSING SUBCOMMITTEE16 November 2009
10.06am – 11.35 am**Present:** Councillors McGovern (Chair), Hart and Stuart**09/lic/76 Declarations of Interest**

Councillor McGovern declared a personal interest as member of the Campaign for Real Ale.

09/lic/77 Procedure to be Followed

The procedure for hearings of the subcommittee set out on the agenda was noted.

09/lic/78 Application to Vary Premises Licence : Laxsham Day1, 20 Norfolk Street, Cambridge, CB1 2LF**Present for this application:**

| For the Applicant | Responsible Authority | Interested Parties |
|------------------------------|------------------------------|---------------------------|
| Nirmala Jegathiswaran | PC Pete Sinclair | Jacqueline Pettit |
| Robert Jordan (PR Retail) | | Julie Murphy |

The Hearing: The Assistant Licensing Officer presented her report and outlined the application being made. She stated that the Council, as the licensing authority, had received an application for the variation of a Premises Licence in respect of the premises known as Laxsham Day 1, 20 Norfolk Street, Cambridge, CB1 2LF

The application was for a variation of premises licence to allow the following:

Sale/Supply of Alcohol (off the premises)

Monday - Sunday 08:00 to 22:00 (Previously 08:00 to 20:00)

Hours premises open to the public

Monday to Sunday 06:30 to 22:00 (Previously 08:00 to 22:00)

The Licensing Manager explained that the Licensing Sub-Committee granted the existing premises licence on 21st April 2008 after a hearing, following receipt of representations from the police and twenty-four interested parties. It was noted that at the hearing on 21st April 2009, conditions were added by the Sub Committee in support of the four licensing objectives.

One representation was received from the Police, and 10 were received from interested parties. The Licensing Manager also read a statement from an interested party. The representations were attached in the report.

Robert Jordan representative of the applicant introduced the representations from the applicant. The representative highlighted the increased perceived need of the local community, and the relative balance between alcohol and other floor space uses.

It was noted that no lagers, ciders or beers above 5.5% would be sold in the store. The representative further explained that 10 internal and 2 external cameras currently cover the shop, with the information being retained for 31 days. Mr Jordan questioned the basis of the information presented to the committee and the relevance of the evidence presented in relation to anti-social behaviour in the area and its relevance to the application.

A petition in support of the application was submitted by the applicant and circulated with the agreement of all parties.

In response to a question from the Sub-Committee the representative explained the positioning and arrangements of the screens.

The Responsible Authority's representations were based on the four licensing objectives. PC Peter Sinclair highlighted a number of ongoing problems with anti social behaviour and crime within the area. Specific problems in relation to underage drinking were outlined, and explained that in the view of the Police any changes would exacerbate the existing issues. The Sub-Committee was also advised that the premises had failed a recent test purchasing exercise. Permission was requested to circulate more detailed crime information for the area, however in the absence of agreement from all parties the Sub-Committee declined the request.

The Chair invited Interested Parties to speak.

Jacqueline Pettit and Joanne Dean addressed the committee as interested parties to the application. The following points were raised in objection to the application.

1. The concentration of licensed outlets in the areas.
2. Alleged prevalence of proxy, underage and other illegal purchases
3. Management issues related to the shop including the door being left open to the secure area; number of assistants; alleged non-attendance of the designated manager and the management of incidents.
4. The effect on children in the vicinity of the shop

In response to a question it was confirmed that the application included the retention of the screen.

The Members of the Sub-Committee asked the applicant's representative the following further questions to which the response was as shown below:

1. Can you explain the rationale behind the request to remove condition 4?

The applicant advised that the reason was based on increasing the commercial flexibility of the store, and the financial implications of buying products, which could be "broken up".

Mrs Dean stated that all the premises in the area were currently only operating till 8pm at the latest, with later provision on East Road.

The Applicants were asked to summarize their position.

Mr Jordan questioned whether evidence had been presented to link the shop to the problems highlighted by the Police. The current training arrangements were highlighted, and it was questioned why the CCTV wasn't been used to definitively link issues back to the store.

Following a question from the Licensing Manager it was confirmed that the shop already operated a training scheme.

The Chair asked the Police representatives to summarize their position.

PC Peter Sinclair made reference to an alleged proxy sale incident in the run up to hearing and re-iterated the previously stated concerns.

The Chair asked the interested parties to summarize their position.

The interested parties re-iterated the previously stated concerns, and emphasized that they were not in objection to the store simply they were against the licensing application.

Members of the Sub-Committee retired at 10.57am to consider the application and returned at 11:30 am.

The Decision: In reaching the decision on the application, the Sub-Committee considered the material presented at the hearing both orally and in writing and the representations made before and at the hearing, the Council's Statement of Licensing Policy, the legislation and the statutory guidance under the Licensing Act 2003 and the legal advice received during the hearing.

In this case, the Sub-Committee had to balance the interests of the applicant with those of the wider community. The decision was reached on its individual merits, bearing in mind that these premises are in a mixed commercial and residential area.

The Sub Committee found the following facts

- The premises is currently licensed
- The premise is located within a Section 30 dispersal zone
- The premise is located near to a Cumulative Impact Zone
- There is an acknowledge issue with street drinking in the vicinity of the premises
- That the premises failed a test purchasing exercise in August 2009

Resolved The Sub Committee rejected the application because in light of the information presented would exacerbate the existing problems and would be contrary to the promotion of the licensing objectives.

The Meeting concluded at 11:35 am

Chair