

Justices Reasons

APPEAL – Tesco Express, 163/167 Mill Road, Cambridge.

We are here to hear the appeal by Tesco PLC against the decision by the Cambridge City Council Licensing Committee on the 17th August 2009 to refuse an alcohol licence for its Mill Road Tesco Express Store.

We are advised that we are now standing in the shoes of the Licensing Committee.

We have to decide if that decision was wrong in the light of the evidence we have heard over the past three days.

We have taken into account the Licensing policy of the Cambridge City Council and the licensing objectives which are:-

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

Each objective has equal importance.

We have taken into account the Secretary of State's guidance issued under Section 182 of the Licensing Act 2003.

Within the Cambridge City Councils policy is a provision for the establishment of cumulative impact zones three have been established, Cambridge Leisure Park, Cambridge City Centre and Mill Road. This application is made within the Mill Road cumulative impact zone.

We have heard representations from, Cambridge City Council Licensing Manager, Various Police Officers, Local Ward Councillor, Captain Lowe of St. Barnabas Church, Members of Tesco Management, Local Representation, Private Detective Burbridge and witness statement from Dr. Adrian Boyle. We have read statements of many other residents.

We have heard that the Mill Road area is in a unique position within the three cumulative impact zone's and has a specific set of problems that are especially complex. These problems have been identified as serious anti-social behaviour emanating from individuals who are from the street life community; those who pre-load, and those who proxy purchase.

All these have a significant impact on the life of Mill Road which is a densely populated and diverse residential area. Additionally it is an area which encompasses a series of facilities for treatment or accommodation of those with drug or alcohol problems or who are themselves vulnerable by reason of youth or other reasons.

Tesco is known to be a responsible national retailer that has stringent policies on staff training, health and safety and security on their premises. We have noted their willingness to propose alternative conditions to address the various concerns of the Police and Local Authority. We have noted the comments made regarding the Tesco Express brand and pricing policy. We understand there are other Tesco Express licensed stores in Cambridge including one in the cumulative impact zone of Cambridge Leisure Park that is subject to conditions that were agreed with the Police and Local Authority.

Part of the submissions by Tesco is based on the fact that the difficult situation in Mill Road has improved to the extent that the licence could be granted for the sale of wine and champagne.

However we have heard from the Police that this improvement has been brought about by a renewed dispersal order (which has now been lifted) plus the efforts of all the agencies involved. The cumulative impact zone is in place to maintain that improvement nevertheless Chief Inspector Needle said the removal of the dispersal order was 'a leap of faith'.

We have deduced from evidence given by P.c Dicks and Mr. Burbridge that there is still a significant anti-social behaviour problem throughout the day in Mill Road.

In our deliberations we have considered the submissions made on behalf of all parties as to whether any conditions put on the licence could meet our concerns and of those of the Police and Local Authority. We find that even with the most stringent conditions which Tesco have offered today the fears concerning the sale of any alcohol at all over and above what is already on offer would conflict with the intended effect of the cumulative impact zone.

We therefore dismiss the appeal.

Dated 25th February 2010

Justices Sitting: Mr. Hendy
 Mr. Jackson
 Mrs. Durham

Clerk of the Court: Diana Pinter