

LICENSING SUB-COMMITTEE

3 August 2017

Attendance:

Councillors:

Izard (Chairman) (P)

Bentote (P)

Laming (P)

Officers in attendance:

Miss C Stefanczuk – Licensing Manager
Mr M Tucker – Interim Licensing Manager
Miss J Allingham – Licensing Officer
Ms C Tetstall – Licensing Solicitor

1. **NEW PREMISES LICENCE – TESCO, 120-121 HIGH STREET, WINCHESTER**
(Report LR499 refers)

The Chairman welcomed to the meeting:

Representing the Applicant – Tesco Stores Limited

- Mr Jeremy Bark (Berwin Leighton and Paisner LLP (BLP)), on behalf of the Applicant)
- Ms Hardish Purewal (National Licensing Manager for Tesco Stores Ltd)

Other Interested Parties:

- Councillor Susan Cook
- Mr Peter Reynolds and Mrs Gwyneth Reynolds (In attendance but did not address the Committee)

Miss Allingham introduced the Report which set out the details of the application. In summary, she explained that a new premises licence for Tesco, 120-121 High Street, Winchester had been made by Tesco Stores Ltd under Section 17 of the Licensing Act 2003. The purpose of the application was to allow for the supply of alcohol for consumption off the premises between 0700 and 2300 Monday to Sunday. The application was set out in Appendix 1 to the Report.

Representations had been received from local residents and other members of the public and, in addition, a petition had been received by the Licensing Section on 6 July 2017 containing 230 signatories, of which 170 signatories provided legible contact details. Upon seeking consent from these signatories

for publication of their name and address within the report, 34 signatories had responded. A list of residents that had submitted representations or signed the petition was contained in Section 3 of the Report. These representations related to the licensing objectives, prevention of crime and disorder and prevention of public nuisance, as set out in Appendix 2 to the Report.

Miss Allingham reported that PC Matthew Moss, on behalf of Hampshire Constabulary, and the applicant, Tesco Stores Ltd, had agreed conditions prior to the meeting. Therefore, Hampshire Constabulary would not be in attendance at the hearing for this purpose. The agreed conditions were set out in Appendix 3 to the Report. No further representations had been received from any other responsible authorities.

During her presentation, Miss Allingham outlined the permitted licensed hours for the sale of alcohol at the nearby Sainsbury's, Iceland and Marks and Spencer stores also located the town centre and the Committee noted that, despite being authorised to sale and supply alcohol for longer hours, this ceased upon the individual store closure times. This was particularly pertinent on a Sunday where these premises were required to comply with Sunday trading hours.

In response to questions, Miss Allingham clarified that, in accordance with their licence, nearby premises could make the choice to permit the supply of alcohol for consumption off the premises for longer periods of time should they wish to do so.

In conclusion, Mrs Allingham reported that notice of the application had been displayed outside of the premises for a period of 28 days and advertised in the Hampshire Chronicle and on the Council's website and noticeboard at the Council's Civic Offices.

At the invitation of the Chairman, Mr Bark of BLP, speaking on behalf of the applicant, Tesco Stores Ltd, addressed the Sub-Committee and outlined the background to the new premises licence for the supply of alcohol for consumption off the premises.

In summary, Mr Bark made reference to the systems and processes in place which he considered would alleviate the concerns of residents. He stated that the store represented the smallest format operated by Tesco and would offer convenience shopping for those working and living in the area for necessary food 'top ups'. Alcohol sales constituted approximately 6 to 9% of sales, although 95% of its overall alcohol sales were linked to the purchase of other goods. The store would feature a limited range of alcoholic products which it was expected would accompany meals bought in store, purchased mainly during daytime period.

Mr Bark outlined that the Applicant carefully considered each site when seeking longer hours for the supply of alcohol and would tend to only acquire sites where this could be attained, with the exception of restrictions where the Police had raised concern. However, no concerns had been raised by the

Police to this particular site, further to the conditions that had been agreed. Therefore, he asked the Sub-Committee to give significant weight to this.

Mr Bark provided a detailed summary of the policies and practices that Tesco had in place throughout their stores which would be followed as part of this application, as outlined below. These policies and practices would be regularly monitored, updated, tested by mystery shoppers and formed part of the comprehensive employee training programme provided to all staff during the induction process and repeated at intervals to ensure a safe and legal system was in place and that all stores complied with the law and conditions of the licence.

- Good Neighbour Policy – this would be established once the store had opened and a Store Manager had been appointed. It was noted that the internal area and external frontage of the store would be cleaned on a daily basis.
- Think 25/Challenge 25 Policy – This system was introduced in 1999 and Ms Purewal clarified that Tesco liaised regularly with the Police and the Home Office to ensure the system was up to date. All alcoholic products were linked to the till or self checkout whereby information from the cashier or member of staff would need to be confirmed before the sale could proceed.
- ‘You say no/We say no’ Policy – Staff were trained to refuse a sale of alcohol where they suspected the person wishing to purchase was already under the influence of alcohol or where they had any concern at all over the sale. The Manager would support the decision made by the employee and the customer would be refused alcohol in this instance.

The Sub Committee noted that the applicant intended to trade between the hours of 0700 to 2300 Monday to Sunday, as was the case at similar sized premises and that due to the size of the store (being under 3,000 sqft) the restrictions to hours in Sunday trading legislation did not apply to this application.

Mr Bark referred the Sub-Committee to the expected layout plan of the store set out in the Report. He indicated the location of the alcoholic products and highlighted the positioning of the fixed and tilt and sweep cameras and CCTV on these products throughout the store which he considered adequate to promote the licensing objectives and alleviate the concerns raised by residents in their representations.

In response to Members’ questions, Mr Bark confirmed that staffing levels during the evening would initially be assessed based on similar models but would be placed under review by the Manager on duty once the store had opened. If required, staff could be relocated from other stores to provide cover and security would be assessed over a 12 week rolling period. Staffing was likely to increase during seasonal periods.

In conclusion, Mr Bark stated that he did not believe the issues referred to by local residents would be realised. However, where there were any concerns once the store had opened, the licence could be reviewed.

In response to points raised by the Licensing Officer, Mr Bark clarified that security tags would be placed on alcohol bottles when they were positioned as a unique selling point on the shop floor. However, the majority of products, particularly spirits and champagne, would be held behind the main checkout counter. He confirmed that as a minimum there would be at least one personal licence holder on every shift at the premises.

At the invitation of the Chairman, Councillor Cook, as one of the other interested parties who had submitted a relevant representation to the application, addressed the meeting. A summary of her comments are outlined below.

Councillor Cook addressed the Committee in her capacity as Ward Councillor for Colden Common and Twyford and a resident of the District. In summary, she welcomed Tesco filling a vacant unit in the Town Centre but stated that she could not support the hours applied for of 0700-2300 Monday to Sunday for the supply of alcohol. She asked that consideration be given to a reduction in hours for the supply of alcohol to coincide with the hours currently followed by the other food stores in this area (0700-2000 Monday to Saturday and 1100-1700 Sunday). Councillor Cook considered the supply of alcohol to 2300 on a Sunday to be excessive and that this would exacerbate drug and alcohol abuse that currently existed in various parts of the City.

In summing up, Mr Bark stated that he considered Tesco to be an excellent operator with a well thought out application which offered a good store design and which also had recognised policies in place. As previously advised, once opened, the store was not bound by Sunday trading legislation for the supply of alcohol and complied with the four licensing objectives.

The Sub-Committee retired to deliberate in private.

In his closing remarks, the Chairman stated that the Sub-Committee had carefully considered the Application and the representations made by local residents and Councillor Cook. It had taken into account the duties under the Crime and Disorder Act 1998 and the rights set out in the Human Rights Act 1998.

The Sub-Committee considered the application and that, in respect of the concerns raised by the objectors in relation to possible increased risk in crime and disorder and public nuisance, these could not be justified from any evidence made available. In addition, the Sub-Committee noted that the Police had made no objections to the proposed alcohol licence, provided certain conditions were included, as set out in the Report, and no other representations had been received from other responsible authorities. Members of the Sub-Committee had also heard that other stores within the Town Centre had similar alcohol premises licences, notwithstanding whether they may not choose to operate within the times permitted.

In conclusion, the Sub-Committee could not see any adequate grounds to refuse this application or change the requested hours for the supply of alcohol and decided to grant the licence application, with the conditions agreed between the applicant and Hampshire Constabulary, set out in Appendix 3 of the Report. The Chairman advised that if there were any problems once the store was in operation, the licence could be reviewed.

The Chairman thanked all present for attending the meeting and explained to all parties that they would be formally notified of the decision in writing in due course and of their right to appeal to the Magistrates' Court within 21 days from the date of the decision letter.

RESOLVED:

1. That the application for a new Premises Licence for the supply of alcohol for consumption off the premises between 0700 and 2300 Monday to Sunday at Tesco, 120-121 High Street, Winchester, be granted, subject to the conditions agreed by the applicant with Hampshire Constabulary, set out in Appendix 3 of the Report.

REASON

The applicant had demonstrated that reasonable steps were in place to promote the licensing objectives related to prevention of crime and disorder and the prevention of public nuisance and there was no evidence on which to justify a refusal.

The meeting commenced at 10am and concluded at 11.25am.

Chairman