

# LICENSING SUB-COMMITTEE

**MEETING** : Wednesday, 8th June 2011

**PRESENT** : Cllrs. Hansdot, Porter and C. Witts

## **Officers**

Gill Ragon, Group Manager, Environmental Health and Regulatory Services

Lisa Wilkes, Food Safety and Licensing Service Manager

Steve Isaac, Solicitor

## **Also in Attendance**

**APOLOGIES** : Cllrs.

## **1. ELECTION OF CHAIR**

**RESOLVED** that Councillor Jim Porter be elected Chair for the meeting.

## **2. INTRODUCTIONS AND PROCEDURES**

The Chair introduced the Members of the Sub-Committee and officers in attendance and asked the applicants and Police representatives to introduce themselves. He then explained that following the presentation of the officer's report, the applicants would have an opportunity to present their case followed by the Police. There would be an opportunity for questions following each of the above stages before each party had an opportunity to sum up with the applicants being last to speak. Members of the Sub-Committee would then withdraw to consider their decision.

In addition to the Members of the Sub-Committee and Council officers in attendance the following were present:

Jeremy Bark	Representing Tesco
Greg Bartley	Tesco
Chris Howell	Tesco
Sharon Cockling	Tesco

Professor Roy Light	Representing Gloucestershire Police
Andy Cook	Gloucestershire Police
Craig Guthrie	Gloucestershire Police

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Elizabeth Lovell

Gloucestershire Police

**3. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**4. APPLICATION FOR A NEW PREMISES LICENCE FOR 254 PAINSWICK ROAD, GLOUCESTER, GL4 4BS**

The Sub-Committee and all parties considered a report outlining an application made under Section 17 of the Licensing Act, 2003 in respect of new premises for 254 Painswick Road, Gloucester. The report was presented by Carl Knights who circulated additional appendices submitted by the Police. The Chair outlined the options available to the Sub-Committee under the Licensing Act.

In a response to question from the applicant's representative, it was confirmed that the officer was able to circulate copies of the premises licence for the property opposite at 191 Painswick Road.

On the invitation of the chair, the applicant's representative presented the case in support of their application. The representation included the following issues:

- The conditions agreed between the two parties as attached at appendix I. It was outlined that the main point of difference was bullet point six and the requirement to employ security officers at the premises.
- An overview of the layout of the proposed express store and the number of stores across Gloucestershire. The overview also outlined the nature of the business undertaken by the express brand of stores.
- An outline of the measures taken by Tesco to promote responsible drinking. This included the Challenge 25 scheme, mystery shopper schemes and the role taken by Tesco to work with bodies to promote responsible drinking.
- A summary of the training provided to Tesco employees on the sale of alcohol, a summary of the employee procedures on the sale of alcohol, and the steps taken to assess the levels of risk at each store.
- An outline of the costs of employing two full time security officers which was estimated to be in the region of up to £200,000.
- A detailed presentation on the statistics provided by the police disputing their relevance and suggesting that the levels of incidents associated with alcohol was significantly lower than those indicated by the information provided by the Police.

The Chair invited the Police's representative to ask questions of the applicant. In a response to a question regarding the risk analysis carried out by Tesco, it was advised that the proposed store had been assessed as slightly below the level of critical.

Members of the Sub-Committee were then invited to ask questions of the applicant's representative as summarised below:

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- It was advised that if employees sold alcohol to those under 18 they would be subject to Tesco's employee disciplinary policy.
- It was confirmed that the layout of the store meant that there was only one entrance and one exit and that CCTV was installed.
- It was confirmed that no complaints had been received at the site opposite the proposed store.

On the invitation of the chair, the Tesco's representative presented the case in support of their application. The representation included the following issues:

- An overview of the position of the Police on the proposed store and an outline of the risk assessment completed by the Police. The overview also outlined the number of incidents associated with Tesco across Gloucestershire.
- An outline of the Police's concerns regarding store layouts, the vulnerability of alcohol in store and the implications of a lack of security presence.
- A summary of concerns regarding Tesco's approach to the sale of alcohol which included reference to a poor engagement with the Police and local shopwatch schemes.
- An outline of the perceived benefits of maintaining security guards and the way in which they can liaise with the Police.
- A presentation on the statistics provided from the Maiden system. The Police suggested that this demonstrated a link between the location of the proposed store and the level of alcohol related incidents.
- A presentation on the incident statistics provided by the Police. The Police considered that there were a number of incidents at other Tesco stores that could be linked to alcohol.

The Chair invited Tesco's representative to ask questions of the Police. The following issues were raised:

- In a response to a question regarding appendices n, o and p it was advised that although these did not provide a direct link to the proposed store, they did provide a general link between these areas and alcohol related issues.
- In a response to a question regarding the incidents sheets from the Eastern Avenue store, the representative confirmed the number of incidents that related directly to alcohol.
- In response to a question regarding Shop Watch, it was confirmed that it would not be reasonable to enforce this as a condition.

Members of the Sub-Committee were then invited to ask questions of the Police's representative as summarised below:

- In response to a question regarding prosecutions, it was advised that the Police felt that security officers improved public safety and acted as an important point of information to help improve evidence and support prosecutions.
- In response to a question regarding the Eastern Avenue store, it was advised that the process to review a licence was very resource intense.

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- It was confirmed that at this point the Police were not aware whether it was intended to pursue a DPPO in the Matson area. It was also confirmed that they were not aware of any SARA plans for this area.
- It was confirmed that the Police did not have any evidence from the store opposite the proposed site.

The Officer, the Police's representative and Tesco's representative were given the opportunity to summarise their positions.

The Sub-Committee retired from the meeting to consider their decision.

**RESOLVED** that having considered the application made under section 17 of the Licensing Act 2003 for a premises licence by Tesco Stores Ltd, and having had regard to the representations made by the Police, evidence from the applicant, the Home Secretary's Guidance, the Council's own statement of licensing policy and the legal implications as set out in the report, the Committee had decided to grant the application subject to the conditions set out below:

1. Ordinarily, a minimum of 2 personal licence holders shall be based permanently at the store.
2. Alcohol sales shall not be made by any person under the age of 18 years unless a member of staff over 18 physically attends the checkout to authorise each sale.
3. CCTV shall be maintained in good working order, shall record at all times the premises are open, and recordings shall be kept for a minimum of 14 days and shall be produced on request of Police, Trading Standards or Council Officers.
4. Alcohol shall not be displayed within 5 metres of any entrance/exit in regular use by customers.
5. The 'Challenge 25' scheme (or equivalent) shall be adopted, so that staff will be trained to request ID from any customer attempting to purchase alcohol who appears to be under the age of 25 years shall be asked for an accredited photographic proof-of-age (*PASS*-approved card, passport or photo driving licence) and that a sale shall not be made unless this evidence is produced.
6. The premises licence holder will initially assess and then keep under review the need for uniformed SIA-registered security officers to be employed at the premises. In conducting these assessments and reviews the premises licence holder will have regard to and take into account any advice provided to it by the Police. Where these reviews or assessments in the opinion of the premises licence holder identify the need for uniformed SIA-registered security officers then they shall be employed on such days and times and in such numbers at the premises as the premises licence holder believes to be appropriate.

**Reasons for Decision:**

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The application had met the four licensing objectives and the Committee believed that if and when the need for security at the said site was required, Tesco would initiate such actions as they have demonstrated at other locations.

**Time of commencement: 18:30 hours**  
**Time of conclusion: 22:00 hours**

**Chair**