



LICENSING SUB-COMMITTEE

MEETING : Wednesday, 7th November 2012

PRESENT : Cllrs. C. Witts, Toleman and Randle

Officers

Lisa Jones, Food Safety and Licensing Service Manager

Alexandra Reece

Rebecca Tuck, Licensing Enforcement Officer

Also in Attendance

APOLOGIES : Cllrs.

5. ELECTION OF CHAIR

Councillor Toleman was elected as Chair.

6. INTRODUCTIONS AND PROCEDURES

The Chair introduced the Members of the Sub-Committee and Officers in attendance and asked the Applicant and Other Parties to introduce themselves at the appropriate time. The Chair explained the procedures that would be followed during the meeting.

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

Ms Joanne Surguy – Representing Sainsbury's

Mr Robert Botkai from Winkworth Sherwood – Representing Sainsbury's

PC Andy Cook, Licensing Manager - Gloucestershire Constabulary

PC Karen Horsley, responsible for Barton Street – Gloucestershire Constabulary

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7. DECLARATIONS OF INTEREST

There were no declarations of interest.

8. APPLICATION UNDER SECTION 17 OF THE LICENSING ACT 2003 IN RESPECT OF SAINSBURY'S SUPERMARKETS LIMITED, 227 BARTON STREET, GLOUCESTER, GL1 4JE

The Licensing and Enforcement Officer presented an application for a new premises licence at Sainsbury's Local, 227 Barton Street, Gloucester, GL1 4JE under Section 17 of the Licensing Act 2003. The application sought permission for the retail sale of alcohol (off sales only) from Monday to Sunday inclusive, during the hours of 06.00 am to midnight.

Details of the application were referred to as Appendix A to the report. Members' attention was drawn to Appendix D which outlined planning restrictions controlling the operating hours for the loading and unloading of service vehicles.

The Sub-Committee noted that the Applicant had set out in Section P of the operating schedule the measures which would be taken to promote the four licensing objectives, should the licence be granted.

The Licensing and Enforcement Officer referred Members to Appendix E of the report which detailed a representation received from Gloucestershire Constabulary as a Responsible Authority which sought three conditions to be attached to the licence, if granted. Sainsbury's had subsequently accepted two of the conditions, but not a third condition requesting the employment of security guards for a minimum of 40 hours a week. Sainsbury's had confirmed they would arrange security cover following a risk assessment; that they were prepared to liaise with Gloucestershire Constabulary; but that they did not believe it was necessary to make this a condition on the licence. Gloucestershire Constabulary had not withdrawn their representation and maintained that the granting of the licence would compromise two of the licensing objectives. No further comments had been received from any other Responsible Authority or from residents.

The Sub-Committee's attention was drawn to Late Material submitted by Gloucestershire Constabulary which contained crime statistics relating to incidents at Sainsbury's Supermarkets in Gloucestershire.

The Licensing and Enforcement Officer summarised the application and referred Members to the relevant sections of the City Council's Licensing Policy Statement.

Members were advised that having considered the application, any relevant representations, the legislative provisions, the Council's Statement of Licensing Policy and the Home Secretary's Guidance, they had the following options as considered appropriate and proportionate to the promotion of the Licensing Objectives.

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- (a) To accept the application and attach conditions as consistent with the operating schedule.
- (b) To accept the application and modify the conditions of the licence which includes altering, omitting or adding new conditions.
- (c) To reject the whole, or part of the application.

The Sub-Committee was reminded of the City Council's licensing objectives:-

- (a) The prevention of crime and disorder
- (b) Public safety
- (c) The prevention of public nuisance
- (d) The protection of children from harm

Statement by the Applicant

Mr Robert Botkai queried admission of the Late Material which had been submitted by Gloucestershire Constabulary as it related to 6 large Sainsbury's supermarkets and one convenience store in Gloucestershire. Mr Botkai did not believe these figures were relevant to the application and informed the Sub-Committee that if they wished to accept the Late Material that he would be obliged to examine all the statistics on a page by page basis.

The City Council's Solicitor advised Members that it was a matter for their discretion. They could rule the information as inadmissible evidence or accept it if they felt it would assist them in reaching their decision.

After a short debate the Chair announced that the Sub-Committee had decided that the data had no significance to the case as it did not relate to the locality of the relevant premises and was being disregarded.

Mr Botkai continued with his presentation.

Sainsbury's proposed opening a convenience store at the site of a former public house in Barton Street. He explained that whilst he understood the concerns of Gloucestershire Constabulary regarding the layout, the design was a standard one and that Sainsbury's had taken possible alcohol thefts fully into account when the store was planned. It was not feasible to re-design the store to move the checkout operators to the front. Cashiers were fully trained in issues regarding the sale of alcohol and CCTV would be in operation. Mr Botkai pointed out that the vast majority of thefts from stores comprised meat, cheese, and in some areas, chewing gum, and not alcohol.

Sainsbury's had agreed to two of the conditions requested by Gloucestershire Constabulary relating to alcohol not being displayed less than 5 metres of the exit/entrance and that spirits would only be behind the serving counter. His client could not agree to the third condition requested by Gloucestershire Constabulary

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relating to the employment of a security guard for a minimum of 40 hours per week as they believed that this would be a matter for their discretion after carrying out a risk assessment and should not be a condition of the licence, if granted.

Mr Botkai confirmed that his client would employ security guards at relevant times of the day and that security was important to Sainsbury's. He did not believe, however, that a uniformed security guard was a deterrent in itself as the officer could be easily distracted. The position of the alcohol on sale was of more significance. He did not consider that tagging of items was an efficient way of controlling thefts.

Regarding the location of the store, Mr Botkai was fully aware of issues in Barton Street and pointed out that Sainsbury's operated in Tottenham.

In conclusion, Mr Botkai said it was regrettable that a Hearing had been necessary. His client remained committed to working with Gloucestershire Constabulary, but believed that the employment of a security guard was a matter for their discretion. He remarked that Members had the option to review the licence, if granted, if concerns about crime at the location were proven during its operation.

Statement from Gloucestershire Constabulary

PC Andy Cook responded that it was unfortunate the matter had come to a Hearing, but that the Constabulary believed their conditions were reasonable. He considered that the site plan made the building more comparable with a supermarket, rather than a convenience store, with high shelving units obscuring the view of Cashiers. He believed that there should be a condition to restrict alcohol displays to a particular area of the Store.

PC Karen Horsley gave her perspective on crime and anti-social behaviour in Barton Street which she believed was exacerbated by the availability of alcohol. She detailed some statistics for the area which demonstrated the work that had been done to reduce crime figures. She explained how she liaised with local traders and other agencies in this regard. Alcohol remained a major problem with street drinking being conducted in side streets as Barton Street was a DPPO area.

At this point Mr Botkai suggested that his client would be willing to accept a condition to restrict alcohol areas to a hatched area on the plan, provided that there could be wine promotions on the plinth ends.

PC Andy Cook replied that this was a generous offer and that the Constabulary was prepared to withdraw its representation if this condition was applied to the licence.

There was a short adjournment whilst Gloucestershire Constabulary and Sainsburys reviewed the site plan of the store and agreed on the restricted area for alcohol displays.

Summing Up

The Licensing and Enforcement Officer made a closing statement and reminded Members of the options open to them.

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Sainsbury's indicated they had nothing further to add.

Gloucestershire Constabulary indicated they had nothing further to say.

The Decision

The Members of the Sub-Committee withdrew to reach their decision.

RESOLVED

To grant the application in accordance with the conditions agreed between the two Parties, that is:-

1. Alcohol shall only be displayed in the area hatched on the plan provided and on the two plinths marked 'x' on the plan, being at least 5 metres from the entrance/exit.
2. Spirits shall only be displayed behind the serving counter.

Reason

The reason being that the two Parties have agreed these conditions during the course of the Hearing.

Time of commencement: 14:00 hours

Time of conclusion: 15:20 hours

Chair