

LICENSING SUB-COMMITTEE

MEETING : Tuesday, 26th October 2010

PRESENT : Cllrs. C. Witts, Taylor and Porter

Officers

Lisa Wilkes, Food Safety and Licensing Service Manager
Carl Knight, Licensing Enforcement Officer
Rebecca Tuck, Licensing Enforcement Officer
Steve Isaac, Solicitor
Amanda Tarren, Democratic Services Officer

Also in Attendance

Agenda Item 4

Mr Aklus Miah, Applicant
Nazidual Miah, Applicant
David Prentice, Objector

Agenda Item 5

PS Elizabeth Lovell, Police
PC Lucy Smith, Police
Mr P. Trott, Force Solicitor, Gloucestershire Constabulary
Bill Pilbeam, Store Manager, Tesco Quedgeley
Greg Bartley, Tesco Licensing Manager
Jeremy Bark, Tesco Solicitor
Anna Mozol, Chair of Quedgeley Parish Council □

9. ELECTION OF CHAIR

Councillor Porter was elected as Chair.

10. INTRODUCTIONS AND PROCEDURES

The Chair introduced the Panel and the officers in attendance. The Chair outlined the procedure for the meeting.

11. DECLARATIONS OF INTEREST

There were no declarations of interest.

12. APPLICATION FOR A NEW PREMISES LICENCE FOR 109 HIGH STREET, GLOUCESTER GL1 4SY

The Sub-Committee considered a report outlining an application for a new premises licence, made under Section 17 of the Licensing Act 2003.

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On the invitation of the Chair, Mr Carl Knights, Licensing and Enforcement Officer, presented the report.

The Chair asked the Applicant, Objector and Sub Committee whether they had any questions of Mr Knights and each responded saying they had no questions.

Applicant

On the invitation of the Chair, the Applicant presented his case in support of his application.

The Chair asked the objector whether he had any questions to ask the Applicant, and he indicated that he had no questions.

Members of the Sub Committee asked questions of the Applicant, and answers were provided.

Objector

On the invitation of the Chair, the objector read out his representation and concerns regarding the application.

The Chair asked the Applicant whether he had any questions to ask the objector and he indicated that he had no questions.

Members of the Sub Committee asked questions to the objector, and answers were provided.

Summary

Mr Carl Knights, the objector and the applicant were given the opportunity to sum up their positions.

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

DECISION

The Chair advised that the Members had agreed that conditions be imposed on the licence, as detailed in paragraph 4.7 of the officer's report. Members had considered the following in reaching a decision:

1. There were no objections by the Police
2. There were no objections by Environmental Health
3. The objector's concerns were speculative and not substantial.

RESOLVED

The decision of the Sub Committee was to grant the licence, as follows:

Opening hours and the supply of alcohol for consumption on the premises only:

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Sunday to Thursday: 12:00 hours - 23:30 hours
Friday and Saturday: 12:00 hours - 00:00 hours

Late night refreshment indoors only:

Sunday to Thursday: 23:00 hours - 23:30 hours
Friday and Saturday: 23:00 hours - 00:00 hours

13. APPLICATION UNDER SECTION 17 OF THE LICENSING ACT 2003 - TESCO STORES LTD, BRISTOL ROAD, QUEDGELEY, GLOUCESTER

The Chair informed all present of the procedure to be followed.

The Sub-Committee considered a report outlining an application for Tesco Quedgeley for a licence under Section 17 of the Licensing Act 2003.

On the invitation of the Chair, Rebecca Tuck, Licensing and Enforcement Officer, presented the report. The application by Tesco Quedgeley was for the retail sale of alcohol (off sales only) for 24 hours from Monday to Sunday. She explained that due to the recent extension to the Tesco store, a new licensing application was required under the Licensing Act 2003. She referred to the documents supplied by the Police regarding crime and disorder in the vicinity. Tesco and the Police had agreed several conditions, however the security tagging of all items of alcohol for sale, had not been agreed.

The Chair asked the Tesco representatives, the Police, Quedgeley Parish Council and the Sub Committee whether they had any questions of Ms Tuck. There were no questions.

Applicant

On the invitation of the Chair, the Tesco representative presented the case in support of the application. An A3 map of the store layout was provided to all those present. It was noted that on page 85 of the report, it should be amended to read, 2 Tesco security staff and 3 personal licence holders, would be based at the store.

The Chair asked the Police whether they had any questions to ask the Tesco representative, and answers were provided.

Quedgeley Parish Council asked questions of the Tesco representative and answers were provided.

Members of the Sub Committee asked questions of the Tesco representative, and answers were provided.

Police Objection

On the invitation of the Chair, the Police presented their objection to the application.

The Chair asked the Tesco representative whether he had any questions to ask the Police and answers were provided.

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Quedgeley Parish Council asked questions to the Police and answers were provided.

Members of the Sub Committee asked questions to the Police and answers were provided.

Parish Council Objection

On the invitation of the Chair, Quedgeley Parish Council presented their objection to the application.

The Chair asked the Tesco representative if they had any questions to ask Quedgeley Parish Council and answers were provided.

The Police asked questions of the Parish Council and answers were provided.

Members asked questions of the Parish Council and answers were provided.

Summary

Members asked further questions of the Tesco representative and answers were provided.

Rebecca Tuck, the Police, Quedgeley Parish Council and the Tesco representative were given the opportunity to summarise their positions.

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

DECISION

The Chair advised that Members had noted the following in reaching a decision:

1. The security tagging of all items of alcohol for sale in the store was not a workable practice.
2. The concerns of the Police and Quedgeley Parish Council regarding anti-social behaviour in the area.

Members also noted the conditions agreed by the Police and the applicant prior to the hearing, as follows:

1. Alcohol sales shall not be made by any person under the age of 18 years, unless a person (over 18) attends the checkout to authorise each sale. 'Person' shall not include fellow checkout operators whilst they are working on another checkout
2. CCTV shall be maintained in good working order, shall record at all times the premises are open, unless exceptional circumstances arise. Recordings shall be kept for a minimum of 14 days and shall be produced on request of Police, Trading Standards or Council Officers. If the CCTV equipment breaks down, the premises management shall take the appropriate steps to fix the equipment as

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soon as is reasonably practicable. On the request of either the Police or an authorised member of the council, an audit trail of the steps taken to fix the equipment will be provided

3. Alcohol shall not be displayed within 5 metres of any entrance/exit in regular use by customers
4. The premises will operate a Challenge 25 policy. Staff will be trained to request the appropriate identification from any person who appears to the member of staff operating the checkout to be under the age of 25 when buying alcohol. Acceptable ID will only be photographic proof of age, such as a passport, photo driving licence, national ID card or a pass-approved card.

RESOLVED

The decision of the Sub Committee was to grant a licence, for the retail sale of alcohol (off sales only) for 24 hours from Monday to Sunday at Tesco Quedgeley. The decision was subject to the above conditions previously agreed by the Police and Tesco, and that the following conditions be adopted:

1. At least 2 members of the security team would be present within the store throughout the time that the store participates in a licensable activity
2. A minimum of 3 Personal Licence holders would be based at the store, unless exceptional circumstances arose.

Time of commencement: 17:30 hours

Time of conclusion: 21:05 hours

Chair

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