

## Licensing Sub-Committee – 28 May 2012

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Minutes of the meeting of the **Licensing Sub-Committee** held on **28 May 2012** when there were present:-

Cllr K H Hudson  
Cllr I H Ward

Cllr R A Oatham

### **OFFICERS PRESENT**

K Gymer	- Trainee Solicitor
P Nellies	- Licensing Officer
E Hanlon	- Principal Environmental Health Officer
S Worthington	- Committee Administrator

### **125 APPOINTMENT OF CHAIRMAN**

Cllr K H Hudson was appointed Chairman of the Sub-Committee.

### **126 PROCEDURE FOR LICENSING HEARING**

The Sub-Committee noted the procedure to be followed during the hearing.

### **127 LICENSING APPLICATION – LICENSING ACT 2003**

#### **Sainsbury's, 239/243 Eastwood Road, Rayleigh, SS6 7LF**

The Sub-Committee considered an application for the grant of a premises licence made under section 17 of the Licensing Act 2003. The application relates to a premises known as Sainsbury's, 239-243 Eastwood Road, Rayleigh, SS6 7LF. Members had before them the report of the Head of Environmental Services setting out the details of the application and the documentation and representations received from the applicant and various interested parties.

It was noted that the applicant had confirmed to the Council's Licensing officers, since making their original application, that they were amending the application to 0700 hours to 2200 hours, in response to representations made by interested parties.

The applicant's representative advised that the applicant was applying for a new premises licence and had amended the original application to 0700 hours to 2200 hours, which would bring the hours in line with the planning permission granted. It was emphasised that the sale of alcohol was only a small part of the retail offer available on the premises. The applicant, prior to submitting the application, had spoken to local Police and licensing officers, who had no objection in principle to the application.

In response to concerns raised by residents, which appeared to relate to the finish time of 2300 hours, the application has been amended to 2200 hours. Sainsbury's would do its best to minimise any nuisance that may be caused

by the store, although it was emphasised that Sainsbury's stores did not generally attract youths to gather.

The applicant's representative stressed that Sainsbury's was a responsible retailer, which operates the Challenge 25 scheme. If appropriate I.D. giving proof of age is not produced, Sainsbury's staff will refuse to sell alcohol. All staff are properly trained in the sale of alcohol and have to attain a 100% pass rate; training is refreshed every 6 months. At the beginning of each shift staff are reminded of the need to be vigilant. All refused sales are logged on stores' computer system. Sainsbury's also operates a system of mystery shopping, which is done every quarter to ensure that staff are selling alcohol appropriately.

New cashiers working at the new store will live in the local area. The store will be managed to a very high level. Each of the licensing objectives will be actively promoted by the store. There is no evidence to suggest that any disturbance or disorder will be caused by the new store; Sainsbury's want the new store to be integrated into the local community. If residents have any concerns they are actively encouraged to call into the store to talk to the store manager. The Area Manager will also be on site every 4 -6 weeks; open dialogue is actively welcomed.

In response to questions, the following was noted:-

- Appropriate A4 blue signs were placed at the premises advertising the licensing application that complied with the statutory requirements. Notices were placed on the building as it is a statutory requirement to place the signs on the building where alcohol is proposed to be sold.
- The store manager will be the designated premises supervisor.
- Staff training on the Challenge 25 scheme will help to prevent the sale of alcohol to anyone underage.
- The results of Sainsbury's mystery shopping aren't published but are available for Responsible Authorities to view.
- Typically, 8-12% of Sainsbury's turnover related to the sale of alcohol.

Residents objecting to the application claimed that opening a Sainsbury supermarket in this location would result in a price war for the sale of alcohol and would attract additional people to the area. There is an open area in the vicinity of the garage where youths currently congregate at night and residents believe that the opening of the new store will result in an increase in this activity. It was stated that a further supermarket in such a small area, which is quiet and residential is not needed by residents.

Residents emphasised their belief that this was not the right location for a supermarket. There was a school nearby and the supermarket would offer the

opportunity for alcohol to be bought from 7.00 am in close proximity to the school.

Since the other supermarket in that area opened, the Co-op, there has been a marked increase in congestion and large lorries delivering to the supermarket. This is a hazardous location, which has already had a number of accidents. It is difficult for pedestrians to cross that part of Eastwood Road. There is a bus stop, a zebra crossing, a school, supermarket and a garden centre/nursery in this location, which is very busy. An additional supermarket would, in residents' opinion, increase congestion. Youths already congregate around the bus stop, which has been vandalised and are noisy; a supermarket could increase the number of youths congregating in this location.

In response to questions of residents, the following point was noted:-

- There was no evidence to suggest that any of the incidents involving youths congregating in the area were alcohol-related, although the Police were called to the area last week to deal with a drunk, naked man who was lying down in the vicinity of the application site.

In conclusion, the applicant's resident stated that it was clear that some residents were opposed to an additional supermarket in this location. However, he emphasised that it was more likely that building a supermarket on this derelict site was likely to have the effect of decreasing the number of people hanging around the site.

The applicant's representative emphasised that Sainsbury's customers do not buy alcohol at 7.00 am in order to open and drink it there and then. Customers shopping at this time tended to be shift workers on their way home buying alcohol to consume later.

He further stressed that Sainsbury's prices are set centrally, controlled by Head Office; a local store manager would therefore not be able to change prices in response to another store's prices in the locality.

Residents, in conclusion further emphasised that a Sainsbury's store was not required in this location; residents were not looking forward to the opening of the store.

Having given careful consideration to the application and all representations made, the Sub-Committee considered that the application for a premises licence should be granted. It did, however, sympathise with the concerns expressed by local residents, but felt that a Sainsbury's supermarket on the site was likely to deter people from parking their vehicles and causing a disturbance in that location. The Police and no other Responsible Authorities had any objections to the application.

It was emphasised that, in the event of there being any future disturbance arising as a result of this premises licence, there is a power of review

available to interested parties and Responsible Authorities.

**Resolved**

That the application for a premises licence allowing the sale of alcohol from 0700 – 2200 hours daily be granted. (HES)

The meeting commenced at 10.00 am and closed at 11.15 am.

Chairman .....

Date .....

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