

Licensing & Appeals Sub-Committee – 24 March 2022

Minutes of the meeting of the **Licensing & Appeals Sub-Committee** held on **24 March 2022** when there were present:-

Chairman: Cllr D S Efde

Cllr M Hoy

Cllr Mrs C A Weston

OFFICERS PRESENT

A Law - Assistant Director, Legal & Democratic
S Worthington - Principal Democratic and Corporate Services Officer
C Brooke - Licensing Officer

APPLICANT

Ms H Purewal, Tesco

1 PROCEDURE DOCUMENT

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

2 LICENSING ACT 2003 – LICENSING APPLICATION

The Sub-Committee considered the report of the Assistant Director, People & Communities asking Members to determine an application made under Section 17 of the Licensing Act 2003 for a Premises Licence in respect of a licensed premises known as Tesco, 96 High Street, Rayleigh.

It was noted that the interested party, Ms O’Dea, was unable to attend the hearing due to work commitments; however, she submitted a further representation, Appendix F to the report, which was circulated to all parties in advance of the hearing.

In support of the application, the applicant stated that it was intended to open the Tesco store in July, with the site taken over by Tesco 4 weeks prior to that. The store would have a limited, targeted range with alcohol being a small, but important part of that. Tesco operated according to a number of ‘Good Neighbour’ policies and donated to various community projects. Tesco worked well with the local Police and dealt with any issues that arose promptly.

Essex Police had not made any representation on this application for a new premises licence. Tesco’s staff training was endorsed by the British Institute of Innkeepers and rated excellent. All new Tesco employees had to undergo induction training with refresher training undertaken twice a year, at Christmas and Easter. Training included a section on the licensing objectives, conflict training, training on proxy sales, and training on how to spot if customers were drunk. Tesco operated Think 25; checkout operators were prompted, when alcohol was scanned at the check outs, to think about the age of the potential

purchaser and whether they appeared 25 or older. Only Home Office approved I.D. was accepted by Tesco in terms of proof of age.

The very latest cameras would be in operation at this high street store; panic alarms would be installed in store, spirits would be kept behind the counter and staff would have body cam and headsets. Doors could be closed by the store manager, if necessary. Tesco's licensing, security and compliance teams would support the store. In addition, internal and external audits would be regularly undertaken to ensure that the store was meeting the licensing objectives. Any price promotions were national ones, rather than local ones.

Tesco operated consolidated deliveries to its stores, with drivers calling the store 15 minutes before arrival. Trolley cages all had rubber wheels, drivers turn off their engines when arriving on site and small vehicles are used with tail gates also designed to reduce noise. Refuse collections would be weekly. The late night refreshment applied for as part of the premises licence application referred to a Costa coffee machine, payments for which were taken at the check outs.

The applicant addressed the key issues raised in the interested party's representation, namely that of noise and disturbance and stated that Tesco would ensure that an acoustic ceiling and specific flooring would be installed at the store to mitigate against noise. The car park in the vicinity of the premises did not belong to Tesco; there was no customer parking facility for the store. Tesco would also follow up on this issue with the landowner. In conclusion, the applicant emphasised that the licensing hours proposed aligned with the store opening hours.

Responding to a Member question relating to whether there was a need for security to deal with potential public nuisance, the applicant emphasised that regular risk assessments were undertaken. Any incidents were reported and Tesco reviewed local crime data and liaised closely with local Police and would put in security when risk assessments indicated there was a proven need. In addition, the Tesco security team would support local stores.

In response to a Member query relating to delivery hours, the applicant advised that there were no restrictions on delivery hours in the area; the store would use the loading bay by the Superdrug store.

The applicant advised, in response to a question relating to the age of staff selling alcohol to customers, that it was not anticipated that there would be any members of staff under the age of 18 selling alcohol at this store. In any event, any staff under the age of 18 had to seek supervision from a manager when dealing with alcohol sales.

Responding to a Member question relating to refuse, the applicant confirmed that recycling bins went on Tesco trucks and any refuse from the bins outside the store and any staff refuse would be collected once a week.

In conclusion, the applicant reiterated that Tesco was an excellent operator that would work with the interested party and anyone else in the locality to ensure that the licensing objectives were met. Tesco had excellent policies and procedures in place. Furthermore, there were no objections to the application from any Responsible Authorities, including the Police and Environmental Health. The application had appropriately addressed s.128 Guidance and the Council's Statement of Licensing Policy.

The Sub-Committee retired from the hearing with the Legal and Democratic Services officers to consider the decision and returned for its announcement. It had considered all the written evidence and verbal evidence received. The Sub-Committee had also considered the steps set out on page 4.21 of the report which the applicants would take in order to promote the licensing objectives.

The Sub-Committee had carefully considered the concerns raised by the interested party relating to the licensing objective of prevention of public nuisance. However, the Sub-Committee was mindful that no representations had been made at the hearing by Essex Police and Environmental Health. The Sub-Committee had also taken into consideration the applicant's verbal representation relating to the company's experience of running similar premises elsewhere and its commitment to working with local residents. The Sub-Committee was satisfied that the concerns of the interested party relating to noise would be addressed by the applicant.

The Sub-Committee was therefore minded to grant the premises licence, subject to standard mandatory conditions and the additional steps set out by the applicant on page 4.21 of the report.

Resolved

That the new premises licence be granted, subject to the standard mandatory conditions and subject to:

Prevention of Crime and Disorder

- 1) The Premises Licence Holder will maintain a digital CCTV system that covers the premises including the main area which will be used for the display of alcohol.
- 2) The CCTV images will be retained for 31 days.
- 3) A member of the management team will be on the premises as the times the store is open and will be the initial point of contact for any issues that may arise.

Public Safety

- 4) The Premises Licence Holder will maintain policies and procedures in relation to relevant obligations and legislation. These will be available on

request.

Prevention of Public Nuisance

- 5) The premises will demonstrate a 'good neighbour' ethos and that they play an active part of the local community.

Protection of Children from Harm

- 6) The premises will operate a Think 25 policy.
- 7) The check outs will be programmed to prompt the customer assistant when an alcohol product is scanned at the check out to follow the Think 25 policy. (ADPC)

The meeting commenced at 10.00 am and closed at 11.10 am.

Chairman

Date

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